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Vol. III

TRANSCRIPT OF RECORD

Supreme Court of the United States

OCTOBER TERM, 1940

No. 14

REPUBLIC STEEL CORPORATION, PETITIONER,

vs.

NATIONAL LABOR RELATIONS BOARD AND STEEL WORKERS ORGANIZING COMMITTEE

ON WRIT OF CERTIORARI TO THE UNITED STATES CIRCUIT COURT OF APPEALS FOR THE THIRD CIRCUIT

PETITION FOR CERTIORARI FILED FEBRUARY 7, 1940.

CERTIORARI GRANTED MAY 20, 1940.

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HOMER DOWNARD

a witness called by and on behalf of the National Labor Relations Board, and, having been first duly sworn, testified as follows:

Direct Examination

BY MR. LAUTER:

Q. What is your full name?

A. Homer Downard.

Q. Where do you reside?

A. 2142 Fourth Street, Northeast.

Q. Are you employed at the Republic Steel Corporation?

A. Yes, sir.

Q. When did you begin working there?

A. In October, 1926.

Q. And until when did you work?

A. Until the 25th of May, 1937.

Q. What happened on the 25th of May?

A. A strike was called.

Q. Is that strike still on?

A. Yes, sir.

Q. Are you connected with the local lodge of the S. W. O. C.?

A. I am.

Q. What is the name of it?

A. All Nations Lodge, No. 1200.

Q. What is the nature of the work you have been doing at the Republic Steel Corporation?

A. Boiler operator or boiler fireman.

Q. And in what division or plant have you been working?

A. At the Canton Tin Plate.

Q. When did your organizing activities of the C. I. O. begin in that plant?

A. Around about August, 1936.

Q. And did you become actively engaged in organizing that plant?

A. I did.

Q. By January, 1937, approximately what percentage of the employes of the Tin Plate were organized in the C. I. O.?

A. Around 75 or 80 percent.

Q. Do you know Jim Doyle?

A. I do.

Q. Who is he?

A. He was an electrician out there, and about last December they made him a master mechanic, along with some other jobs.

Q. Do you recall a conversation with him about January, 1937?

A. I do.

Q. Will you state the content of that conversation?

MR. DAY: I object to that.

TRIAL EXAMINER LINDSAY: The objection is overruled, and let the record show an exception.

THE WITNESS: I went to work on Wednesday morning, and just as I got down to the boiler house I met him, and he said, "Hello, you God damn C. I. O.'er." And I said, "What are you referring to?" And he said, "What were you doing over at the Berger gates yesterday, or Tuesday?"

Q. When he stated "Berger gates", to what was he referring?

A. To the gates over at the Berger plant.

Q. You say this occurred sometime in January, 1937; is that right?

A. The 13th of January.

Q. How do you remember that?

A. Because I happened to be off on Mondays and Tuesdays.

Q. And this was Wednesday?

A. Yes, sir.

Q. Go ahead.

A. I said, "I went over there to see if I could not get men interested in the organization". And he said, "Do you think you are doing right?" And I said, "Yes, sir; I think I am doing right." And he said, "Did you sign up many?" And I said, "Yes, sir; I signed up quite a few." And he said, "The only thing I can say to you is that you had better watch your step."

MR. DAY: I move to exclude that conversation on the ground that no connection has been shown with the Respondent, and that the Respondent had no knowledge of it.

TRIAL EXAMINER LINDSAY: The motion is denied, and let the record show an exception.

BY MR. LAUTER:

Q. Who is Gene Thomas?

A. Superintendent of the Canton Tin Plate.

Did you have a conversation with him sometime in January, 1937?

A. I did.

Q. Will you state the substance of that?

MR. DAY: May we have the same record on that?

TRIAL EXAMINER LINDSAY: Yes.

MR. DAY: Thank you.

THE WITNESS: He came down to the boiler house on Saturday—I only had one boiler on. He said, "I want to talk to you." And I said, "You can talk to me at any time or place. As far as I am concerned, I know what you are going to talk to me about before you come down." And I said, "You are going to talk to me about why I have become so active in organized labor." And he said, "Yes, that is what I am talking to you about."

And he said, "Do you think you are doing right?" And I said, "Yes, I think I have as much right to be-

long to organized labor as anyone else has." And he said, "Do you know what you are going to do?" And I said, "Yes, I do; we are going to put this organization across." And he said, "No; I will tell you what you are going to do—you are going to eventually shut down this plant, and that will put not only me but everyone else out of work, and unless you quit you will shut down the Tin Plate plant."

BY MR. LAUTER:

Q. Was the plant ever shut down?
A. Yes, sir.
Q. That is the Tin Plate?
A. Yes, sir.
Q. When?
A. On the 5th of May.
Q. This year?
A. Yes, sir.
Q. For how long was it shut down?
A. For two weeks.
Q. Do you remember whether it ever resumed operations?
A. Yes, sir; it did, on the 25th of May.
Q. Was that the day you called the strike?
A. Yes, sir.
Q. Do you know Mr. Tebay?
A. Yes, sir.
Q. Did you ever have any conversation with him?
A. I did.
Q. At the Blue Moon cafe?
A. Yes, sir.
Q. Where is that located
A. 1202 Belden Avenue, Northeast.
Q. Who else was there?
A. Martin Becker, Joe Morton, Guy Sweany, and Guy Johns.
Q. Will you state the substance of that conversation?

MR. DAY: I object to that.

TRIAL EXAMINER LINDSAY: The objection is overruled; let the record show an exception.

THE WITNESS: Well, we were sitting in there, and he come in there, and Mr. Becker called him over to where he and I were seated.

MR. DAY: Who is this man?

MR. LAUTER: Tebay.

MR. DAY: Is there any identification who Tebay is?

MR. LAUTER: We will clear that up as conversation goes along.

BY MR. LAUTER:

Q. If counsel wishes to know—who is Mr. Tebay; do you know his full name?

A. Tebay is all that I ever heard.

Q. Is he an employe of the Republic Steel?

A. He is.

Q. Do you know whether he is active in the organization of the union plan?

A. He is one of the active workers.

Q. Will you continue your conversation at the Blue Moon Cafe?

A. Mr. Becker said to him, "How are you getting along with your organization?"

Q. Who is Mr. Becker?

A. Secretary of the lodge, All Nations Lodge, No. 1200.

Q. Go ahead.

A. And I asked him how he was getting along with the new organization, which he was trying to set up, and he said, "Oh, I am getting along fine." And I said, "Who is paying for this organization?" and he said, "The company is talking about buying an automobile and chancing it off at so much a chance, and of course that money will

be used for that." And he said, "I have been working eight hours and getting paid for sixteen hours."

And he said, "When we get this organization functioning—"

Q. What organization?

A. This new Representative Plan that was organized after the Wagner Act was established.

Q. Have you any indication of what the name was of this new outfit?

A. The Company Representative Plan.

Q. Go ahead.

A. He said, "I am working eight hours and getting paid for sixteen hours." And then he said, "After we get this set up, this new union, they are going to give me $100 for my work in helping to get it organized." And I said, "Well, that is not such bad money." And he said, "By the way, I want you fellows to do one thing." He said, "I do not want you to have any strike, or anything, until after I sell a radio, because they are going to chance off a radio and I am going to sell them one, and I will get a nice commission out of that."

About that time he turned to Mr. Becker and said, "Who the hell is this fellow they call Downard?" And Mr. Becker said, "That is him, right there." And I guess he realized he had said something he hadn't ought to, because he turned and went away.

MR. DAY: May I have the same record with reference to this testimony?

TRIAL EXAMINER LINDSAY: Yes, the motion to strike is denied, and the record will show an exception.

BY MR. LAUTER:

Q. Who is Mr. Allen?

A. An employe of Republic Steel.

Q. Does he have any official capacity in connection with the Employes Representative Plan?

A. He did at the time the company union was a company union, yes, he did.

Q. Mr. Tebay testified he was a representative under the Plan; is that right?

A. Yes.

Q. Did you have a conversation with Mr. Tebay, Mr. Allen, and some other representatives sometime in May?

A. I did.

Q. Will you please state for the record the substance of that conversation?

MR. DAY: May we have the same record?

TRIAL EXAMINER LINDSAY: The same record, and the same ruling.

BY MR. LAUTER:

Q. What is your answer?

A. They came over to the boiler house one night sometime between 12 o'clock and 1 o'clock in the morning. There were in the neighborhood of twelve or fifteen of them. They came over and came in down at the boiler house, and Allen acted as spokesman. At the time they came in he said, "I suppose you know who we are and what we are here for." I said, "I have got a good idea as to who you are and what you want. As I understand it, you are a bunch of has been company representatives."

And he said, "Yes, we are over here to talk to you." By that time a man who I later learned was Geltz said, "We came over here to talk to you, but we are not going to mince words with you." I said, "That suits me fine. I don't want you to mince words. What is it you want?"

He said, "I want you to understand that strike or no strike we are going to work." I said, "If you are going to do that it was hardly worth while to come over here to talk to me." He said, "We came over to ask you to call your dogs off." I said, "I have put no goods out and I am not calling them off."

He said, "This idea of five or six hundred men trying

to keep three or four thousand men out of work is not right." I said, "I will have you to understand right now that there is no one in Canton Tin Plate figuring on calling four or five thousand men out of work. And, to tell you the truth of the matter, I don't know whether there is going to be a strike, but if there would be one it is not going to be called upon the Canton Tin Plate."

Q. Mr. Downard, what is your position with the All Nations Lodge?

A. I am the president.

Q. You testified before that Tebay expected to get $100?

A. That is exactly his statement in the Blue Moon.

Q. Did he say from whom he would receive it?

A. He said from the company.

Q. You said Tebay was getting 16 hours for every 8 hours?

A. That is exactly what he told us in the Blue Moon.

Q. Did he say what he was getting it for?

A. For forming this new union.

MR. LAUTER: That is all.

Cross Examination

BY MR. DAY:

Q. What is your position with the lodge?

A. I am the president.

Q. What is the name of the lodge?

A. All Nations Lodge No. 1200.

Q. How long have you been president?

A. Since about the 1st of February, 1937.

Q. When was the lodge organized?

A. About the 1st of February, 1937.

Q. Who are the other officers of the lodge?

A. Mr. Beckner is the vice-president; John Johns, financial secretary; S. I. Smith, recording secretary; Ken-

neth Poorman, outer guard; Ross Mangus, inner guard.

Q. And that is the lodge of what union organization?

A. The lodge of the C. I. O.

Q. Is that a lodge of the C. I. O. or the Committee for Industrial Organization?

A. Yes, sir.

Q. How long have you been affiliated with the C. I. O.?

A. I beg your pardon?

Q. How long have you been affiliated with the C. I. O.?

A. This All Nations Lodge?

Q. I say, how long have you been connected or affiliated with the C. I. O.?

A. Ever since the C. I. O. started, so far as that would go, since the C. I. O. became an organization.

Q. When did the C. I. O. start?

A. Start to become an organization?

Q. Yes, in this part of the country, in Canton or Massillon or around in this district?

A. Along about July, 1936.

Q. Who first interested you in this New Deal lodge?

A. Well, about the first man that I came into contact with was Mr. Price.

Q. Who is he?

A. He was an organizer.

Q. Where is his home?

A. In Portsmouth, I believe.

Q. Who else?

A. Mr. Porter.

Q. He is also from Portsmouth?

A. Yes, sir.

Q. Is there any connection between your lodge and the Steel Workers Organizing Committee?

A. Yes, sir.

Q. What is that connection?

A. It is the S. W. O. C. That is the Steel Workers Organizing Committee, or the C. I. O. They are practically

about the same time, except that the S. W. O. C. is the Steel Organizing Committee.

Q. Is your lodge a lodge of the Amalgamated Association of Steel and Tin Plate Workers of North America?

A. Yes.

Q. You said it was also a lodge of the C. I. O. What did you mean by that?

A. It is the C. I. O. They went under that name.

Q. What do you understand the C. I. O. is?

A. Committee on Industrial Organization.

Q. What is it the way you understand it?

A. Why, it is an organization, a labor organization.

Q. What kind of a labor organization? Just tell the Examiner what is your idea or conception of the Committee for Industrial Organization, commonly known as the C. I. O.? You say it is a labor organization. What kind of a labor organization do you understand it to be?

A. It is a labor organization, the best labor organization that was ever gotten out.

Q. All right. Do you know anything else about it besides that?

A. Well, I would not care if I didn't know anything more about it than that.

Q. Whether you care or not, Mr. Downard, will you please tell me if you know anything more about it, as to the nature or the character of the organization? Will you please tell us that?

A. Certainly there is a lot to it.

Q. Tell us something.

A. It gives a man the right to organize, to belong to an organization.

Q. How many men belong to the C. I. O., as such, in this district here?

A. Do you mean here in Canton?

Q. Yes.

A. You mean just the Republic Steel?

Q. Well, I will say the Republic Steel, yes.

A. Around 4,000.

Q. You think they all belong to the C. I. O.?

A. I do.

Q. You think that your organization is part of the C. I. O.; is that right?

A. Certainly I think it is the C. I. O.

Q. Do you think the C. I. O. is a general labor organization itself?

A. I certainly do.

Q. With all these members belonging to it; is that right?

A. Yes, sir. It doesn't make any difference whether they belong or whether they do not; if you sign a card you join the C. I. O.

Q. And that is your notion today?

A. What is that?

Q. That is all you know about it?

A. What more is there to know?

Q. You have told us all you know about it, haven't you?

A. I have told you it was the greatest organization that was ever gotten together.

Q. I know you have told us that. But you have told us all you know about the nature of the organization and the set-up of the Committee for Industrial Organization, commonly known as the C. I. O., haven't you? If you have not, do you know anything more about the structure or nature of it? If you do, will you tell us?

A. I think I made it very clear as to what I have told you.

Q. You have been very active in the strike, haven't you?

A. I have been.

Q. Where is Bandie's Hall?

A. 1208 Beldon Avenue, Northeast.

Q. What is Bandie's Hall?

A. Just a hall, the headquarters.

Q. The headquarters of what?

A. Of the C. I. O., the strike headquarters.

Q. And the men have been taken down there and beaten, haven't they?

A. Not that I know of.

Q. Did you hear of that? Did you ever hear they had been?

A. I heard of it but I never saw any of it.

Q. About how many times did you hear, since the strike began, that men have been taken to Bandie's Hall and beaten?

A. I have heard of it.

Q. About how many times, approximately, have you heard of it, is my question.

A. I don't know. I will say several times. But I never saw any of it.

Q. Did you ever investigate to find out whether or not men had been taken down there and beaten?

A. I did not.

Q. You heard about it after the strike had begun, did you?

A. Yes.

Q. And you were the president of the New Deal lodge, weren't you?

A. I was president of the All Nations Lodge.

Q. Then I have that mixed up.

Was Bandie's Hall the headquarters of the All Nations Lodge, too?

A. It was the headquarters and the only headquarters of the All Nations Lodge.

Q. After you had heard that men had been taken down to Bandie's Hall, the headquarters of the All Nations Lodge, and beaten up, you, as president of the lodge, did

not make any investigation to find out whether or not that was true?

A. I am telling you that if you had heard as many things in the last 3 months as I have, you would not bother about many things you hear about.

Q. You didn't think that was worth bothering about?

A. That was because—

Q. Answer the question and then explain, please.

A. Because no man came to me directly and told me anything about it.

Q. Nobody of your own crowd came directly to you? Is that what you mean?

A. That is exactly what I mean.

Q. Then it is your position that as president of this lodge that you would not investigate to find out whether or not men had been taken down there and beaten unless some of your own men came directly to you and told you?

A. Certainly, because before I started to investigate anything I would want to know if there is anything to it.

Q. You want your own men to tell you about it?

A. Yes.

Q. Men have been kidnapped and taken down to Bandie's Hall?

A. Not that I know of.

Q. You have heard of it, haven't you?

A. Yes.

Q. How many times have you heard of that? How many times have you heard men have been kidnapped and taken down to Bandie's Hall?

A. I have heard rumors of it.

Q. How many times have you heard rumors of it?

A. Maybe three or four or a half dozen times I have heard it.

Q. Three or four or a half dozen times?

A. Yes.

Q. You were president of the lodge all of the time?

A. Yes.

Q. Did you investigate that?

A. No.

Q. Why not?

A. Because I didn't suppose there was anything to investigate about it.

Q. Do you mean to say that while this strike was going on, and you were president of this lodge, if somebody told you men had been kidnapped and taken down to that headquarters there wasn't anything for you to investigate? Is that right?

A. No, because it was always a bunch of sympathizers around there to pull something like that, and not our men. I was interested in our own men. There was none of our own men did anything like that.

Q. Were you interested enough in your own men to find out whether or not they had ever done any such thing?

A. If they asked me to go see about it, I would have gone and looked.

Q. You mean if the men who were accused of kidnapping a man told you, then you would have investigated it?

A. I would have went to see about it.

Q. Do you mean to say that if the men who did the beating had come to you and told you they had taken men in and beat men, you would investigate?

A. Nobody came and told me they beat anybody up.

Q. You would not investigate until they did?

A. I will have to be sure, yes.

Q. Was that the way to make you sure, to have your men themselves tell you about it?

A. I would want to know for sure before I would go and investigate something I didn't know anything about.

Q. In order to be sure did you want the men involved, or accused of it, to tell you about it?

A. No one ever came and asked me to do any investigating.

Q. All right.

Now, did you ever know a man by the name of Betz?

A. Yes.

Q. Did you attend the meeting, or the hearing, against the Amalgamated Association?

A. Some of it I did.

Q. The injunction case?

A. Some of it I did.

Q. Tried in this courthouse?

A. Yes.

Q. I don't know whether it was in this courtroom or not, but it was in one of these rooms?

A. Yes, in some of them.

Q. Before Judge Graham?

A. Yes.

Q. Did you testify, yourself?

A. A little bit.

Q. Were you one of the defendants?

A. Yes, sir.

Q. I will ask you if it is not a fact that on or about the 18th of June, 1937—that is, of this year—you yourself was present at Bandie's Hall when a man named Milton J. Betz was brought there in an automobile?

A. He was down there on one occasion, I know.

Q. Was he brought there to the hall in an automobile when you were there?

A. I don't know how he was brought there. I saw him there.

Q. Were you there when he came in?

A. I was not.

Q. Were you there while he was there?

A. I was there a short time.

Q. Was Mr. Beckner there?

A. I couldn't tell you whether he was or not.

Q. Was Johnny Johns there?
A. I don't know.
Q. Was Freddie Grouer there?
A. I couldn't answer that.
Q. Do you know him?
A. Yes.
Q. Who was he?
A. An employe of Republic Steel.
Q. And a member of your organization?
A. Yes, sir.
Q. I will ask you whether or not it is a fact that on or about the 18th of June this man Betz was forcibly kidnapped, put into an automobile and taken to Bandie's Hall, and whether you were not there at the time he was brought in?
A. I was not there at the time that he was brought in.
Q. And isn't it a fact in your presence somebody said to Betz, "I see you are back for more. We are going to fix you this time."
A. I heard no such statement.
Q. Will you swear nobody said it in your presence?
A. I absolutely will.
Q. Then didn't you, Downard, accuse Betz of being a stool pigeon for Sam Davey?
A. I did at one time, but I don't remember whether at that particular time or not.
Q. How many times was Betz brought down to Bandie's Hall?
A. I don't know.
Q. Was it more than once?
A. He came down there one day to join the organization.
Q. Was that before this time I am asking you about, or after?
A. That was before that time that you are speaking there now, I guess.

Q. I understood you to say a little while ago you were not sure what time it was.

A. I said he was down there but I do not remember exactly when it was.

Q. This instance I am asking you about occurred on the 18th of June, 1937. That was last June 18th. And didn't you at that time accuse Betz of being a stool pigeon for Sam Davey?

A. I made that statement but I do not remember when it was. He was down there one day to join the union and he came in there, and I said, "You are nothing but a stool pigeon for Sam Davey."

Q. Now you say you remember making that statement, but you don't remember when it was?

A. I do not.

Q. Then, if you don't remember when it was might you have made that statement on June 18, 1937?

A. I don't know. I remember making that statement, all right.

Q. But you will not say when you made it?

A. I will not because I may not have there.

Q. And you will not say that you did not make it on June 18th, will you?

A. I will not say when I made it, but I made that statement.

Q. Did the police come in the time Betz was taken to Bandie's Hall on June 18th?

A. If they did I didn't see them.

Q. Do you know a man named McGaughey?

A. I do not.

Q. Do you remember the time you were down at Bandie's Hall and Betz was there and that there was a man in there who was stripped to the waist?

A. I didn't see it.

Q. And that the men in Bandie's Hall were putting signs on him?

A. I didn't see it.

Q. And they were going to make him walk the streets partly stripped, with the sign on him saying, "scab," or something of the kind?

A. I didn't see it.

Q. Was Johnny Johns, the secretary of your lodge, there the day they brought Betz down?

A. I don't know.

TRIAL EXAMINER LINDSAY: Just a moment, please. May I see the complaint and answer.

MR. LAUTER: Here it is, Your Honor.

BY MR. DAY:

Q. Will you answer the question, please? Was Johnny Johns, the secretary of your lodge, there the day they brought Betz down?

A. I don't know.

Q. Do you know a man named Dan Allen?

A. Yes.

TRIAL EXAMINER LINDSAY: I understand, Mr. Day, that these men named are employes of the Republic Steel?

MR. DAY: I am advised that they are.

BY MR. DAY:

Q. Dan Allen was taken down to Bandie's Hall, wasn't he?

MR. LAUTER: If the Examiner please, I want to object upon the ground it is incompetent, irrelevant, and immaterial, and on the further ground that it is outside of the scope of the cross-examination. None of the material Counsel for the Company is now going into was brought out on direct examination. I believe he is going too far afield with respect to this witness, considering the questions he is now asking.

MR. DAY: This man is the head of one of the lodges here. He testified generally, I think, to his willingness to obey the law, and so on. I think it is clearly

proper cross-examination under court rules, and I think it would be proper cross-examination anywhere.

TRIAL EXAMINER LINDSAY: Yes, I think you have a right to cross-examine a witness.

MR. LAUTER: Do I understand, Mr. Examiner, that your ruling is that Counsel for the Company may proceed along this line of inquiry?

TRIAL EXAMINER LINDSAY: Well, for the time being.

MR. LAUTER: I want to note my objection on the record. May I have an exception?

TRIAL EXAMINER LINDSAY: Yes.

(Exception noted for board.)

BY MR. DAY:

Q. Dan Allen was taken down there and beaten up, wasn't he?

A. Not to my knowledge he wasn't beaten up.

Q. When Betz was brought in was he taken down to the basement?

A. I don't know. I stated I saw Betz down there on one occasion.

Q. Was he in the basement when you saw him?

A. He was downstairs talking there.

Q. Downstairs?

A. Yes.

Q. Let's get that a little more definitely defined. How many floors has Bandie's Hall?

A. Well, there are one, two.

Q. Is there a basement?

A. There is a downstairs there.

Q. Is your downstairs there on the ground level or below the ground level?

A. It is below the ground level.

Q. You know what a basement is, don't you?

A. Yes, I know what a basement is.

Q. Isn't the ground floor what you and I ordinarily would understand to be a basement?

A. It might be.

Q. Wouldn't you call it a basement?

A. I will call it a basement out there; yes.

Q. That is where Betz was?

A. Betz was out there on one occasion, because I saw him there and I was talking to him. He wanted to join the union.

Q. Did you ever see Allen in the basement?

A. I did not.

Q. How many rooms are there in the basement there?

A. Three.

Q. Was there a room there known as the torture chamber?

A. If there was I never saw it.

Q. Was there a room used to take the men into and beat them up?

MR. LAUTER: If the Examiner please, I want to renew my objection. I think it is entirely outside of the scope of the examination and highly improper.

TRIAL EXAMINER LINDSAY: I think the last two questions go a little too far.

MR. LAUTER: I move the answer be stricken.

MR. DAY: Do you mean about the torture chamber?

TRIAL EXAMINER LINDSAY: Yes.

MR. DAY: All right.

TRIAL EXAMINER LINDSAY: That will be stricken from the record.

BY MR. DAY:

Q. On the night of June 18th you say you did not see the police come there?

A. I did not. They may have been around there.

Q. Did you hear afterwards that they had been there?

A. Yes, I heard them say the police were down there. But they were there every day.

Q. Did you hear afterwards that the police took quite a number of men out of Bandie's Hall that had been taken in there by your men? Did you hear that?

A. No, I don't know that I did.

Q. You don't know that you did? But will you swear you did not hear it?

A. I have heard a lot of things but I don't know whether I heard it on that particular June 18th, or not.

Q. My question is now whether you will swear you did not hear on the night of June 18th, the night I am talking about, the police came down there and took out quite a number of men that had been taken down there by your lodge men to Bandie's Hall?

A. I heard such stuff here, or such statements on this stand, yes, when this injunction case was on.

Q. Didn't you hear it before that?

A. No.

Q. Are you sure?

A. I don't think I heard it.

Q. You say you don't think you heard it?

A. The police, so far as that goes, were down there every day.

Q. Never mind about that. You say now you don't think you heard of it. Will you swear you did not hear it?

A. I did not hear it. I did not see it.

Q. I am not asking you what you saw, I am asking you now whether you will swear on that witness stand that you did not hear that along about the time I am talking about, June 18, 1937, the police came down to Bandie's Hall and took out a considerable number of men who had been taken down there by your lodge men, or C. I. O. men. Now, did you hear it or didn't you?

A. I heard it here on this stand.

Q. Did you hear it before?

A. I don't believe I heard it before. I don't remember whether I heard it before, or not.

Q. That is as far as you will go—you don't remember; is that right?

A. Yes, sir.

Q. This was only about two months ago, wasn't it?

A. I have heard a lot of things in two months.

Q. And you have forgotten a lot of things in two months, too?

A. Yes, and there is a lot I wanted to forget, so far as that goes.

MR. LAUTER: I will ask that the remark be stricken from the record. I think Counsel for the Company will consent to that.

MR. DAY: I think sometimes in trying cases those remarks are made.

BY MR. DAY:

Q. I would like to ask you now about your talk with Jim Doyle.

A. Yes, sir.

Q. That was back in January, 1937?

A. Yes, sir.

Q. Before your lodge was organized?

A. Before the lodge was organized.

Q. Then, were you active in this work, before the lodge was organized?

A. I was.

Q. Did Jim Doyle work at Republic?

A. Yes, sir.

Q. What was his job, do you know?

A. He was chief electrician, and later he was made master mechanic in the Tin Plate Division.

Q. In the Tin Plate Division?

A. Yes, sir.

Q. You testified a little bit about a man named Tebay.

A. Yes.

Q. Who was Tebay?

A. Tebay is an employee at Republic Steel.

Q. In what capacity?

A. Well, I don't know what his job is.

Q. And your talks were with him back in January, and February, or later than that?

A. No—my talks with him was around the first of May.

Q. And you were working at Republic Steel, and you did not know what his job is?

A. That is right.

Q. Gene Thomas was what?

A. The superintendent of the Canton Tin Plate.

Q. About what date did you talk to Gene Thomas?

A. Well, it would be some place around the 26th or 27th of January.

Q. And where did you talk to him?

A. In the boiler house.

Q. And at what time?

A. It was in the afternoon, possibly between one or two o'clock.

Q. Was there anybody else there?

A. There was not.

Q. Just you and Thomas?

A. Yes, sir.

Q. Since the strike started, did you ever go over with a body of men, or accompany a body of men to Youngstown, Mahoning County, Ohio?

A. I did not. I have been to Youngstown two or three times, but I never went over there with a group of men.

Q. You were never involved in that group of men who went over to Youngstown?

A. I was not.

MR. DAY: I think that is all.

MR. LAUTER: That is all.

(Witness excused.)

TRIAL EXAMINER LINDSAY: We will have a short recess now.

(There was a short recess taken).

TRIAL EXAMINER LINDSAY: The hearing is called to order.

MR. HUNT: Mr. Martin J. Beckner.

MARTIN J. BECKNER a witness called for and on behalf of the National Labor Relations Board, and, having been first duly sworn, testified as follows:

Direct Examination

BY MR. HUNT:

Q. Please state your name.

A. Martin J. Beckner.

Q. Where do you live?

A. 1549 Harrisburg Road, Northeast.

Q. Were you an employe of the Republic Steel Corporation at the time the strike was called on May 26th?

A. I was.

Q. When did you first join the Republic Steel Corporation?

A. In August, 1925.

Q. How long did you work with the organization?

A. I worked with Republic Steel until 1931, when I left, and was reemployed by Republic Steel in 1933, and then I was discharged in 1935, because I belonged to the Union, and that was out on strike.

Q. In what division did you work in the Republic Steel, from 1925 to 1931?

A. In the Stark Division.

Q. And from 1931 to 1933 what was your job?

A. I was out of there, and taking pictures, working for myself at that time.

Q. From 1933 to 1935 what did you do?

A. I worked in the Stark Division as a heater helper.

Q. Why were you discharged in 1935?

A. For belonging to the union that was out on strike.

Q. Will you please state the circumstances connected with your discharge?

A. On the day of the strike I went to work and worked about one and one-half hours until they got another man to work on my work—the work was hard and they could not get every man to do it. And I worked about an hour and a half and Mr. Russ Horne told me to stop in his office on the way out, and I did, and he told me he did not want union workers there, that we were trouble workers, and that I would have to leave, and I did leave and never went back.

Q. What union was that that you belonged to?

A. The Amalgamated Association of Iron and Tin Workers of North America.

Q. Were you employed by the Association when an election was held for company employe representatives in 1933?

A. I was.

Q. Did you vote at that election?

A. I voted by force, yes.

Q. In 1933?

A. I voted in 1933 willingly.

Q. Did you vote in the 1934 election?

A. I was forced to vote in that election.

Q. Will you please explain what you mean by that?

A. The day of the election I had not gone down to the polls to vote, and the booths closed about 4 o'clock, and Mr. Russ Horne came over to me, in the division where I was working, and told me I had to go to vote, that I had not been checked on. And I told him I did not want to vote, and he called in Mr. Bill Dickerson and told him that I had to go up to vote, and for him to take my place. And I went out and went into the voting booth and picked up

the ballot which they gave me, and dropped it into the box but I did not mark it.

The next day, about a week later, Mr. Horne took me into the office and asked me if I had been forced to vote or coerced in any way, and he told me to go back to the mill, that some of them were making statements that they had been compelled to vote.

MR. DAY: What was that last?

THE WITNESS: Some of them were making statements that they had been compelled to vote.

BY MR. HUNT:

Q. What was his statement?

A. I was told—

MR. DAY: I would like to ask a question about this conversation:

Did it take place in 1934?

THE WITNESS: Yes.

MR. DAY: Then, I object to it, Your Honor; it is outside of anything in the complaint.

TRIAL EXAMINER LINDSAY: The objection is overruled. Let the record show an exception.

MR. DAY: On the same general grounds?

TRIAL EXAMINER LINDSAY: Yes.

(Exception noted for respondent.)

BY MR. HUNT:

Q. You say you were employed by the Canton Tin Plate Division?

A. Yes, sir; on January 1, 1936.

Q. How did you become employed at that time?

A. Mr. Jim Davey told me at one time that if I ever wanted a job in the Canton Tin Plate to let him know; and so I called him up and he said to come on over. And I went over there, and I was sent to see Mr. Gene Thomas. And he said to me, "Now, we know about your record with the Republic Steel, and we don't want you to try any organization work here."

Q. Are you a member of the C. I. O.?

A. Yes, sir.

Q. When did you become a member?

A. I signed a card, first, in September, 1936, and I found out that that card was lost, and I signed another card on December 14, 1936.

Q. Are you an officer in the local lodge?

A. Yes, sir.

Q. What is your position?

A. Vice-president of All Nations Lodge, No. 1200.

Q. Did you try to organize the mill as soon as you joined the C. I. O.?

A. Yes, sir.

Q. And you have been very active throughout?

A. Yes, sir.

Q. Why did you join the C. I. O. when you promised Mr. Thomas that you would not?

A. I promised Mr. Thomas that I would not organize the Canton Tin Plate, because it was always understood that the Davey brothers treated their employes fairly, but when Republic Steel tied—when they had a Plan, I knew it was necessary to have an organization in there, to protect the workers; and so I tried to organize.

Q. You mean that the Republic Steel was not fair to its employes?

A. I knew the Republic Steel was not fair.

Q. Were you successful in organizing the men in your mill?

A. Yes, sir.

Q. Suppose you tell us some of the times when you tried to organize?

A. In January, the first week, a group of us went over to Republic Steel to the Berger gates, Beldon Avenue, Northeast, in Canton, and tried to sign up men in that division. We were successful in signing up quite a few.

We went back, and I was working in the floating crew.

We were successful in signing up 100 percent of that division. Word got around about that, and Mr. Gene Thomas came and told us that he was taking the floating crew off because the men were complaining. And he said, "I want you fellows to know that it is not because you men are so well organized." And some of the men were put in different places, and the rest were put on floating, regardless of our seniority in the mill. And that meant that we would get a one-half rate, when the others were getting the full rate.

Q. Did you ever try to post bills there?

A. Yes, sir.

Q. When?

A. In February I was putting out bills at the Canton Tin Plate, and Gene Thomas came back and asked me if it was not pretty cold to be out there putting out bills and wasting my time, and I said that it was pretty cold but I was not wasting my time. And so I went on in.

Q. Did you have any further talk with him about this?

A. Yes, sir.

Q. When?

A. The next day, right at the Republic Steel gates, at No. 7 mill, I was putting out bills, and Mr. Gene Thomas came along and said, "Why are you not working?" And I said, "Why?" and he said he wanted to have a talk with me. And he said, "Beckner, you do not seem to be the same sort of fellow, the kind of fellow that would be messing around with a bunch of radicals." And I told him that I did not realize that I was a radical, and he said, "Don't you realize that the Republic Steel will be closed down and won't operate any more, that Republic Steel will be shut down and when you come back to work a lot of these older men will be let go when they go back to work. The Republic Steel won't keep those men on."

And I told him that I felt that that was the main

reason for us to organize, that the Republic Steel was there, and we had no contract to go by. He said it was the policy of the Davey Brothers to take care of their people. But he said, "I do not believe they will be able to take care of these older men if the plant is shut down."

Q. Did you feel that you were personally discriminated against because of your activities?

MR. DAY: I object to that.

MR. HUNT: I will withdraw that question.

MR. DAY: All right.

BY MR. HUNT:

Q. Were you ever demoted, or given a job that did not pay as well as the one you had, while you were working in the tin plate?

A. Yes, sir.

Q. Will you tell us the time or times that that occurred?

A. Yes, sir. The first time I was on a floating crew, on a job that did not pay half as much.

Another time I was [on] another job, and worked two days, and it was a fairly good job, and one day the roller did join the union and the next day I was taken off and put on another job in the mill, known to be the poorest job in the crew. They were all older men.

I worked in that mill a little over a week, and by that time nearly everybody had joined the union. The next day Mr. Thomas came down and said that the floating crew was operating, but it would be impossible for him to put me on again because there were two men there who did not belong to the union.

Q. And all these shifts resulted in loss of pay, and all because you were trying to organize?

A. Yes, sir; in fact, they sent me home while I was still floating, and told me to come back, and that the mill would be shut down for a week.

Q. Were you ever told to stay away from any organizers of the C. I. O. men?

A. After I had been over at the Berger gates, and had come to work, I was talking to the heater of No. 7, I think, and Mr. Gene Thomas came up and said, "Beckner, I want you to quit talking to the men about the union. I want you to go down to your job, and stay there, and not talk to the men."

Q. Who told you that?

A. Mr. Gene Thomas.

Q. Who is he?

A. He is the superintendent of the Canton Tin Plate.

Q. Did you attend a meeting of the lodge, at Massillon, on May 11th?

A. Yes, sir.

Q. Describe what happened at that meeting?

A. Mr. Nick Haley got up and told what a wonderful job the representatives were doing, or the men, and about the raise they had got, and how the Republic Steel had granted on, and lots of other things, and I got tired of hearing it, and I finally went up on the stand and said that I would like to say a few words, myself.

TRIAL EXAMINER LINDSAY: Off the record.

(There was a discussion off the record.)

BY MR. HUNT:

Q. You had reached the point in your testimony of saying that you went up on to the platform at this Massillon meeting, and then what occurred?

A. I said that I would like to say a few words, myself.

Q. And then what happened?

A. Joe Morton spoke and told us to sit down, and that we would not be allowed to speak, and I refused to leave the platform until I had been allowed to say what I thought about this meeting. They finally gave me a chance.

MR. DAY: What was the date of that meeting?

THE WITNESS: May 11th.

TRIAL EXAMINER LINDSAY: 1937?

THE WITNESS: Yes, sir.

BY MR. HUNT:

Q. Go ahead.

A. I told them that I felt that any time the company felt that it was worth paying a bunch of men to go to the meeting to be organized, there was a nigger in the wood pile somewhere, and it was time for the organization to wake up, and it was time for them to belong to a real organization that was really doing things.

The men listened, and I understand they did not get any members in that meeting that night, although they had passed the cards around.

Q. For what?

A. For the Employes' Representative Association.

Q. Then, what happened?

A. I left the meeting before it was completely over, because I did not care to hear any more of it.

Q. Did you attend, or attempt to attend, a meeting here in Canton, thereafter?

A. Yes, sir; on May 23d, a meeting was called by Republic Steel, Canton, Ohio, for the purpose of setting up an Association. A number of the members of the Alloy Steel were present, the president of our local—that is, myself, and then Mr. Frank Chuckle, the head of the shipping department, drove up on the outside, and Mr. Richards sent in to us and told us to come on down, that he was going down to his department.

Q. You say this meeting was called—how was it?

A. Notice was put on the bulletin board, by the representatives, or foremen, and all were supposed to attend the meeting.

Q. Did you see that notice?

A. No, sir.

Q. Then you heard by word of mouth?

A. Yes.

Q. Then you left the main office?

A. We started to go down to the plant, with the rest of the men, and four policemen came down there and they were lined up, across the entrance, to stop us.

Q. Where was this meeting?

A. In the Republic Steel, the Alloy Division, at Eighth Street.

Q. Where were these policemen lined up?

A. Across the entrance gate.

Q. Were they Canton policemen?

A. They were Republic Steel policemen.

Q. And they were lined up across the entrance to the building?

A. Yes, sir.

Q. And this company representative was who?

A. Mr. Snarley.

Q. And he was standing there?

A. Yes.

Q. What happened?

A. Mr. Snarley would not allow us to go through.

Q. Did he give you any reason?

A. He did not; he picked out the men he would let in, but he would not let Mr. Downard or myself into that meeting.

Q. Were the four company policemen armed?

A. Yes, sir.

Q. Were you in the mill on May 5, 1937?

A. Yes, sir.

Q. Which mill?

A. The Canton Tin Plate.

Q. What did you observe that day?

A. Notice was put on the bulletin board that the mill would be shut down until further notice, and that later in the week we should call Mr. Thomas and find out when they were to resume operations.

Q. Did you call up later?

A. Yes, sir; on Saturday morning.

Q. What did he say?

A. I asked him when the mill would start up, and he told me he did not believe the mills would start up until we got rid of that union.

Q. Did he say anything more?

A. Not at that time.

Q. And did the Canton Tin Plate start up?

A. Yes, on May 25, 1937.

Q. Did you have any talk with anybody as to how long the mills would continue?

A. Mr. Gene Thomas came to me and said, "It looks like the Tin Plate had made a mistake,—the rest of the mill is going to resume, but I do not think the Tin Plate will ever resume again." And he felt that it was all the fault of the men organizing, because we had 90 percent of the organization of the Tin Plate at that time.

Q. Do you know a Mr. William Tebay?

A. Yes, sir.

Q. Did you have a conversation with him at the Blue Moon Cafe?

A. Yes, sir; I had three conversations with him.

Q. Tell us, please, what they were—when was the first one?

A. We met him, one evening, in the Blue Moon Cafe, and with him was a man by the name of Dick Fontaine.

Q. When was that?

A. In the early part of May, about the 4th.

MR. DAY: May we have the same record on that?

TRIAL EXAMINER LINDSAY: Yes, and let the record show an exception.

(Exception noted for Respondent)

BY MR. HUNT:

Q. And what occurred?

A. Mr. Tebay was telling me what a wonderful or-

ganization it was, and he finally went into details and I said it would be better if I had more witnesses here. And I called Mr. Downard, Mike Sweany, and his brother, and one or two others, and asked them to meet me in the Blue Moon Cafe, the next night. And so they joined me there, the next night, and Mr. Tebay joined us.

MR. DAY (interposing): Your Honor, may we have the same record?

TRIAL EXAMINER LINDSAY: Yes, your objection is overruled, and the record will show an exception.

(Exception noted for Respondent.)

BY MR. HUNT:

Q. Go on.

A. And I asked Mr. Tebay how he was doing, and he said, "We are doing pretty good." And I told them it did not make any difference whether they joined the other union, or not. And then he told me—I said, "You are not doing this on your own time." And he said, "No, I am getting paid 16 hours for 8 hours' work." And I said, "You do not work, and do that, both?" And he said, "No, there is another fellow on my job, and, besides, there will be another $100 for me when they hold another plant election."

And he said, "I don't want you to do anything more about it to spoil it, because I am going to sell the company a radio, and an electric refrigerator, and also an automobile, to get money to finance this new organization."

And I asked him if he could sell enough tickets, and he said, "Oh, yes, and if we cannot sell enough tickets the foreman will sell them for us." And then, later on, I called Mr. Tebay from the Steel Workers' office on Walnut Street, and he said—

MR. DAY: May we have the same record, Your Honor?

TRIAL EXAMINER LINDSAY: Yes, the record

will show that your objection is overruled, and an exception noted.

(Exception noted for Respondent)

BY MR. HUNT:

Q. Go on.

A. And I asked him if he remembered the conversation we had at the Blue Moon Cafe, the conversation that he had with me, with respect to the Employes' Representative Association.

MR. DAY: May the record show at this time that we object to certain conversations between the Witness Downard and one Jim Doyle, and the Witness Downard and one Tebay, and also certain conversations between the Witness Beckner and one Tebay, on the ground there is no evidence to connect the Respondent with the conversations to show any authority on the part of either Tebay or Doyle to speak for the Respondents, and there is no evidence of any knowledge or authorization on the part of the Respondent.

I understand our objection is overruled?

TRIAL EXAMINER LINDSAY: Yes, the objection is overruled. Let the record show an exception.

(Exception noted for Respondent.)

BY MR. HUNT:

Q. I think you were saying you telephoned Mr. Tebay shortly after this second conversation with him in the Blue Moon Cafe?

A. Yes.

Q. What did you say to him?

A. I asked if he remembered the conversation he had with me in the Blue Moon Cafe in which he told about the amount of money he was going to make in aiding in organizing the Employes' Association and the Plan election.

He said yes, he did. And he even repeated a part of it over the telephone.

Q. Do you know what Bandie's Hall is?

A. Yes.

Q. What is Bandie's Hall?

A. The upper part of Bandie's Hall is run as a saloon, run by John Bandie. The rear is a Hungarian meeting hall. The basement has a small hall and two small rooms and is used for meetings of different societies, Hungarian and Polish.

Q. Were you there on June 18th?

A. I certainly was.

Q. Did several policemen come to Bandie's Hall on that date?

A. Officer Jones and Officer Vernosky came to the hall that day, and I called Police Headquarters asking for him.

Q. You mean on June 18th you called the police yourself and asked them to come to the hall?

A. Yes, I did.

Q. Why did you ask them to come there?

A. A good many sympathizers of our strike, after T. K. Harris had set up a so-called Law and Order League, and Monk Stewart, at the Republic Steel, had started a back-to-work movement.

Q. You say at the instance of Republic Steel?

A. At the instance of Republic Steel Monk Stewart had started a back-to-work movement.

Q. You say at the instance of Republic Steel. What do you mean?

MR. DAY: I object.

MR. HUNT: I will withdraw the question.

BY MR. HUNT:

Q. Will you proceed, please.

A. They started a movement to go back to work, and these sympathizers found out where they were meeting to start back to work, and they went up there and were picking them up and bringing them into our headquarters.

In order to avoid injury to anybody I called the Police

Department and asked them to send the cruisers there and take these men out. I aided them in getting the people through the crowd.

There was Monk Stewart and a man by the name of Betz, a man with Betz, and another fellow, and a man named John Allen who that day after being brought down there by these sympathizers asked us to leave him join the union. We have a membership card showing he asked.

Q. In other words, Mr. Allen, Mr. Betz, and Monk Stewart were escorted in safety by the police out of the meeting at your headquarters?

A. Yes, sir.

Q. Were any of these men beaten up?

A. Some of them had been beaten up.

Q. When were they beaten up?

A. That I don't know.

Q. Were they beaten up while you were there?

A. No, sir.

Q. Had they been beaten up a short time before, or a long time before?

A. It was possible they were beaten up a short time before.

Q. Was Stewart beaten up?

A. No, sir.

Q. Did you see Mr. Allen?

A. Yes, sir.

Q. Had anything been done to Allen that you could observe?

A. No, sir. Allen and I were talking on the outside of the headquarters. He asked me if it would be possible for him to come down and join our union. He was sitting in a car at the rear of Bandie's Hall. And I told him we were taking everybody in to the union that wanted to join.

Q. Was he inside the building?

A. He went inside the building and signed a membership card and came back out.

Q. And the police escorted all of these men at your request?

A. Yes, sir; all excepting John Allen, who left by himself in his own car.

MR. HUNT: You may take the witness.

Cross Examination

BY MR. PONTIUS:

Q. You have been vice-president of this lodge since its organization, haven't you?

A. No, sir.

Q. How long have you been vice-president?

A. I believe I was elected vice-president in March after the man who had been vice-president resigned because he did not feel that he was able to do the job.

Q. Do I understand you to say that this man Tebay was a member of your lodge?

A. Yes.

Q. And the conversation you have related here to the Examiner was with this man Tebay?

A. Yes, sir.

Q. When did you begin to picket these plants?

A. To picket?

Q. Yes.

A. Do you mean since the strike?

Q. When did you begin to picket them?

A. We started to picket on the night of May 25, 1937.

Q. And you were one of the defendants in the injunction case [which] was tried in this room, weren't you?

A. Yes, sir.

Q. And a permanent order was made against what you were doing? Isn't that right?

A. A permanent injunction was granted.

Q. It was granted here; isn't that true?

A. Yes, it was granted.

TRIAL EXAMINER LINDSAY: That was a State Court injunction?

MR. PONTIUS: Yes, by the Common Pleas Judge of this Court, in this courtroom.

THE WITNESS: Yes, that is right.

BY MR. PONTIUS:

Q. And you were here?

A. Yes, sir.

Q. And you heard it?

A. Yes, sir.

Q. You remember the night of June 18th, don't you?

A. Yes.

Q. You were down to Bandie's Hall on that evening?

A. Yes.

Q. In charge of operations there?

A. No.

Q. Who was in charge there?

A. The man who was picket commander at different times during the day was in charge. I took the responsibility upon myself to call the police down there to that hall because I didn't want any trouble.

Q. You called the police?

A. Yes.

Q. What police did you talk to?

A. Officer Jones and I talked to the desk sergeant at Police Headquarters, or the clerk. The first two officers to arrive were Officers Jones and Vernosky, whose statements are in the same book that you have there.

Q. You say you called Police Headquarters and asked them to come down there?

A. Yes, sir.

Q. Whom did you talk to?

A. Whoever was at the desk at that time.

Q. What time of night did you call Police Headquarters?

A. I called Police Headquarters first in the afternoon.

Q. Why did you call them in the afternoon?

A. Because at that time the crowd had started to gather. There were some men there and I believe it was around 4:30 or 5 o'clock.

Q. Why did you call at that time?

A. There were some men brought into our headquarters by sympathizers and I called the police to come down and get them.

Q. Who was there?

A. The first I saw was Mr. Stewart. He was sitting on the outside. When I seen him and knew what kind of trouble maker he was, I thought it was time to call the police to take him out.

Q. You called the police?

A. Yes.

Q. About 4:30?

A. Yes. Just the exact time I don't know.

Q. Don't you know it was later than that that Stewart was taken down there?

A. I don't know the time. I wasn't watching the watch.

Q. When you saw Mr. Stewart there you called Police Headquarters?

A. Yes.

Q. Do you know Jerry Burchfield?

A. Yes.

Q. What connection has he with your organization?

A. He is a member of the Steel Workers Organizing Committee. He is a member of our lodge.

Q. Were any specific duties assigned to him on June 18th?

A. He was a picket.

Q. He was a picket?

A. Yes.

Q. Under the direction of the captain of pickets?

A. When his turn came to come on duty, yes. Before it was his turn to be on duty, no.

Q. Was he down there that night?

A. Not that I know of. There were about three to four thousand men around there at that time.

Q. You do know Dan Allen?

A. Yes.

Q. You saw Dan Allen down there?

A. I talked to him.

Q. And he came in voluntarily, did he?

A. He was there by himself and talked to me.

Q. He was practically unconscious when he was brought there, wasn't he?

A. He was not.

Q. He had been hit on the head with a club and was brought there?

A. No, sir; he had not been hit by anybody.

Q. He had not?

A. No.

Q. He voluntarily signed up a C. I. O. card?

A. Yes.

Q. Wasn't he stripped down there in your presence?

MR. HUNT: I object to that.

THE WITNESS: Mr. Hunt, I would like to answer that question, if you please.

MR. HUNT: Well, go ahead.

TRIAL EXAMINER LINDSAY: Let him answer.

THE WITNESS: Mr. Dan Allen was there. He seen a couple of cards there of the men that they signed with T. K. Harris rats on them. And he took off his shirt and hat and he had John Johns beside him when he did it.

BY MR. PONTIUS:

Q. Wasn't the man practically unconscious and you took off his shirt?

A. He was not. And a half dozen newspaper reporters were there who can prove that. There was a man from the Philadelphia "Inquirer" and two men from the Akron "Times-Press," Ed Heinkie and a man by the name of Ashcraft.

MR. HUNT: I object to the manner in which these questions are asked.

MR. PONTIUS: I am sorry.

THE WITNESS: There were some men there from the Cleveland "Press," or Cleveland "Plain Dealer," but I don't know their names.

TRIAL EXAMINER LINDSAY: Where is this injunction?

MR. DAY: At Washington we offered a certified copy of the permanent injunction against Smith, et al., against the Amalgamated. I think the plaintiff's name was Smith.

MR. HUNT: Does the record show the objection I just made to the manner of those questions?

TRIAL EXAMINER LINDSAY: Yes. And I believe the Judge apologized.

THE WITNESS: Mr. Allen asked the photographers to take that picture.

BY MR. PONTIUS:

Q. Have you finished your answer to that last question I asked?

A. Mr. Dan Allen asked these newspaper photographers to take the picture.

Q. Have you given the names of the photographers, all of them?

A. I don't know the names of the photographers, but I do know the names of two of the reporters who were there. One was Mr. Ashcraft and the other was Edward Heinkie, of the Akron "Times-Press."

Q. Was it daylight or dark at that time?

A. It was evening.

Q. Was it daylight or dark?

A. It was still daylight.

Q. It was not after night?

A. No.

Q. You are under indictment over in Youngstown for carrying concealed weapons?

MR. HUNT: I object to that as immaterial.

TRIAL EXAMINER LINDSAY: The objection is sustained.

BY MR. PONTIUS:

Q. You had been so active in this matter that you did go to Youngstown, didn't you?

A. I went over to Youngstown in the capacity of president of the Stark County Council of Industrial Unions to get news for a news bulletin we were going to get out. I called the sheriff of Stark County before leaving to find out if it was wise to go over there and if the roads were not blocked. I heard the National Guard were in there and they didn't want outsiders. He said it was all right. I talked to Sheriff Nist, of Stark County.

Q. And you were carrying a gun with you?

A. I did not carry a gun.

Q. On this night of June 18th you say some sympathizers brought some men down there?

A. Yes, sir.

Q. Who were those sympathizers?

A. People who worked in other plants in Canton. If I knew them all I would be glad to meet those fellows who brought them down there.

Q. Can you name any one of them?

A. No, sir.

Q. You would not tell us if you did know them, would you?

A. I don't think I would have to.

MR. HUNT: I object to that.

TRIAL EXAMINER LINDSAY: I will sustain the objection.

BY MR. PONTIUS:

Q. What part of this building were you in that night?

A. I was at several parts of the building and I was also outside.

Q. Were you in the basement of this building?

A. Sometimes.

Q. What were you doing outside?

A. I would go outside to get some air and look around and talk to the men on picket duty. I often go outside.

Q. Do you know Charles McGaughey?

A. No, sir.

Q. Did you see him down there that night?

A. If I seen him I wouldn't know him.

Q. Did you see anybody down in that basement that night who had all of his clothes stripped off of him?

A. No, sir.

Q. And stripped off at your orders?

A. That is a damn lie, and you know it.

Q. Do you know Phillip Schaurer?

A. No, sir.

Q. A fellow who had been a deputy sheriff?

A. I know of him. He lost his commission for his action that night.

Q. You tore off his badge that night, didn't you?

A. I did not.

Q. In that hall?

A. I did not.

Q. Did you see anybody tear it off?

A. I did not.

Q. How is that?

A. No, sir; I did not.

Q. This Milton Betz was in there, wasn't he?

A. Yes, sir.

Q. He had been in that hall before?

A. Yes, he had. He had signed up in the union in that hall. I signed him up.

Q. And he had been beaten up in that hall down there?

A. Not to my knowledge.

Q. You had heard about it?

A. I had heard talk about it afterwards, but I didn't know of it being done.

Q. Did you know who beat him up?

A. I didn't find out who beat him up, but I knew why he was beat up.

Q. You did not find out who beat him up?

A. No, sir.

Q. Was that some more of your sympathizers?

A. Whether it was a sympathizer or n[illegible] Betz had it coming to him because he slapped a woman's face and threw some cards at her.

Q. Were you down there one night when your men brought in a man and his wife, Mr. Clark?

A. Yes.

Q. They had been attacked and their machine broken up?

A. They had not been attacked and their machine broken up. And they signed a statement to that effect.

Q. You typed that statement?

A. No.

Q. Your wife typed that statement?

A. My wife does not typewrite.

Q. Who did typewrite that statement?

A. I don't know.

Q. They were kidnapped out on the highway?

A. Those people came in there because they asked to be brought to headquarters. And I can prove that.

MR. HUNT: Again I object to the manner in which these questions are being asked. This is a fact-finding body.

TRIAL EXAMINER LINDSAY: Yes.

And, Judge, I don't want the names of such as his wife brought in. If you want to come in with proof later on and show that, that is a different thing.

THE WITNESS: Your Honor, I would like my wife brought into this case. They threatened to blow up my home, this Republic Steel, and it was a man by the name of Brown from their employment office who did it.

BY MR. PONTIUS:

Q. What was that?

A. A man named Brown, from your employment office, called my home.

Q. What is his first name?

A. I don't know.

Q. Whom did he talk to?

A. First, to the people I was renting from, and then my wife.

MR. HUNT: I object. This is hearsay.

MR. PONTIUS: He volunteered that. It is hearsay all of the way through.

MR. HUNT: I will withdraw my objection.

BY MR. PONTIUS:

Q. You say Mr. Brown called your wife?

A. That is the name he gave to Mrs. Burg, the lady I was renting from at the time.

Q. Of course, you have not planned any blowing up of homes?

A. I have not.

Q. Or blowing up of any railroad tracks?

A. No, sir.

Q. Or furnishing any dynamite to any of these fellows?

A. I have not.

Q. Do you know of any man that was beaten up in Bandie's Hall on the night of June 18th?

A. I do not know of any man who was beaten up in Bandie's Hall on the night of June 18th.

Q. Do you know of any man who was beaten up and brought into that hall that night?

A. I know a man who had been hit and brought in. I don't know anybody who had been beaten up.

Q. Who was hit?

A. I don't know his name. He was this man Schaurer, as you called him. He had been hit.

Q. Do you know where he had been hit?

A. It looked to me like he had been hit around the face.

Q. Do you know where he was brought from?

A. No. Later I heard he was brought from Martindale Road.

Q. Do you know where these other men were brought from?

A. I heard Dan Allen say he had been out on Martindale Road.

Q. Did you know any others brought in there?

A. Some others claimed they had been brought there. I understood Monk Stewart took them out there to take them to work. They were all armed.

Q. How do you know that?

A. The police found guns on several of them.

Q. What police?

A. The Canton City police.

Q. What Canton City police?

A. Officers Jones and Vernosky and several others down there. But they were not turned in. They were not filed against because the Republic kept it from being done, like they do everything else in this town, like the murders in Massillon on the 11th day of May when my buddies were shot.

Q. Did your men have any clubs and assault anybody on the Meyersdale Road that night?

A. No, sir; they did not.

Q. How do you know that?

A. We did not allow any of our pickets to carry clubs, and they were not carrying them. If any of our pickets were out there they were not our men if they had clubs.

Q. If Dan Allen was assaulted and struck over the head with a club it was by somebody connected with the Republic, I suppose?

A. Dan Allen had not been struck over the head by a club when he came to our headquarters.

Q. How do you know that?

A. There was nothing wrong with him. He came in and asked if he could join the union and asked if the photographers could take the picture.

Q. Down at that hall while some of these other men were brought in there, and all of the sympathizers were there, I will ask you if you, yourself, did not say in their presence, "We are going to get Dan Allen tonight"?

A. I did not, because Dan Allen was already there. It wasn't necessary for me to say anything about Dan Allen.

Q. After the policemen had taken Stewart and these other men away from there, Dan Allen was brought into the hall?

A. No, Dan Allen was there. There was another police cruiser in front, and the cruisers were there when we were taking the pictures Dan Allen wanted taken.

Q. When Allen was brought there by these sympathizers—

TRIAL EXAMINER LINDSAY: Just a minute, please. I think the testimony shows that Dan Allen came there by himself.

MR. PONTIUS: Of course this is cross-examination. That was this man's statement.

TRIAL EXAMINER LINDSAY: But don't misquote the testimony on cross-examination.

BY MR. PONTIUS:

Q. I will ask you if that is a fact, if at your direction on that night the sympathizers who were with Dan Allen when he came to the hall were not told they they should not stop with him there until the police officers went, that they should drive on around and bring him back later?

A. When I see Dan Allen he was in his own car. There was no one in the car but himself. I talked to Dan Allen. There was nothing wrong with him. He asked to join the union and we left him. And he said because of the things he done he would like to have his picture taken with those signs on him. He took off his shirt and he asked the photographers to take them and they took it. And he left, and that was the last I seen of him.

Q. I will ask you if you did not hold Dan Allen—you, yourself—until 2 o'clock that night?

A. I did not. And no one else did. He left that place, and he left by his own free will by himself.

Q. What time of night was it when this man and wife were taken to Bandie's Hall?

A. I don't know. I didn't look at my watch or a clock. It wasn't a habit of mine to look at a watch or clock. I didn't have any.

Q. What is your best recollection on that?

A. I have no recollection of the time. All I remember is that I remember the man was sick and they got him some coffee and he went home. And I believe he lived on Harrisburg Road.

Q. And they came there voluntarily, did they?

A. Yes, sir.

Q. Did Stewart come there voluntarily that night?

A. I don't know. He was sitting on a bench by himself when I talked to him. I asked him what he was doing there, and I went and called the police to get him out.

Q. Was he attacked there in your presence at all?

A. No.

Q. Were his glasses taken away?

A. Yes, and they were given back to him.

Q. Who took his glasses away?

A. I don't know.

Q. Some of your sympathizers?

A. I don't know so I couldn't say.

Q. How do you know they were taken away from him?

A. Because they were handed to me to give back to him when he was in the police car, and they were handed back to him at that time.

Q. How did it happen that there were so many of your sympathizers, as you call them, up on Martindale Road on that night?

A. As I said before, the people in Canton who had any brains at all were up there to stop this so-called Law and Order League from causing trouble.

Q. That is hardly an answer to the question.

A. It is a truthful answer.

Q. How does it happen that there were so many of your sympathizers, as you call them, up on Martindale Road on that night?

A. That is how it happened, that they knew this so-called Law and Order League were trying to do things. And I myself went to the Cit, Hall to ask them to try to stop them before they did it.

Q. That afternoon a great many people were at the Mayor's office?

A. A few people.

Q. How many were there?

A. From Massillon about a hundred, about seventy-five to eighty union men from Massillon were there because they thought they were starting a march on our people, and they were going to warn us. I went in the back door of the City Hall and into the Mayor's office. Mr. Stewart and several others were sitting there in a circle. I said this was a strike, and if they wanted to go

to work why not wait until the Labor Board had a chance to come down and hold an election. Stewart said they were able to take care of things, that the Republic Steel was behind them.

Q. That is what somebody said?

A. Yes, right in the City Hall. And there were six or seven fellows with them.

Q. There is a great deal of feeling between you and the officers of the C. I. O., and these men who wanted to go back to work?

A. No. There is a great deal of pity.

Q. Pity for you?

A. No, pity for them, for their ignorance of taking away the only chance they ever had of getting a good living.

Q. They are not getting a good living now?

A. No.

Q. You have not answered the question as to how many sympathizers were on Martindale Road that night. Do you know how that happened?

A. They went there and they went there that night because they wanted to.

Q. On your orders?

A. No. They didn't need no orders.

Q. And they had clubs there?

A. Not that I know of.

Q. Did you hear about their having clubs there?

A. No.

Q. Did you hear about their meeting anybody there?

A. Yes.

Q. What did you hear?

A. I heard they met a great many stool pigeons of Republic Steel.

Q. Who were those stool pigeons?

A. Monk Stewart—

Q. And men who wanted to go to work?

A. No. And he always did ride on the fellows who worked with him.

Q. There is a good deal of feeling between you and Monk Stewart?

A. There isn't any man trying to ride on a bunch of men like he is.

Q. That is your idea?

A. That is not only my idea but it is the idea of a good many others.

Q. As vice-president of your union you had your meetings down in Bandie's Hall?

A. Yes, sir; we do.

Q. And you had meetings at which you advised these pickets what to do?

A. We had meetings where I told these men they ought to use their own judgment. They were not children any more. They didn't have to be told.

Q. You advised them what to do, then, didn't you?

A. No. Just to use their own judgment. They knew what to do.

Q. You say none of them had any clubs?

A. Some of our pickets had clubs around the picket line. Of course they did. They needed them as a matter of self-defense when they were shot at by a bunch of thugs inside the plant.

Q. And they had guns?

A. No.

Q. Revolvers?

A. They did not. Why don't you ask the police? Get your records there and you will see none of them were arrested for carrying concealed weapons on the picket line. You have the record there.

Q. Your organization today has revolvers and guns here in town?

A. Our organization today has not.

Q. You have them in one place in town?

A. We haven't them at any place in town.

Q. And you would give them to your pickets at night, didn't you?

A. We didn't give them to our pickets at any time.

Q. And you collected them again in the morning?

A. We don't do anything of the sort.

MR. HUNT: I object to this general line of inquiry. I don't see that it is especially relevant or material.

TRIAL EXAMINER LINDSAY: I think, Judge, you are going a little far afield on some of those things.

BY MR. PONTIUS:

Q. I just want to ask you one more question, Mr. Beckner, if I may: You recall the incidents of these men being picked up by the Canton City Police with dynamite in their car?

A. No.

Q. You don't recall anything about that?

A. I do not.

Q. You know nothing about that?

A. I do not.

MR. PONTIUS: That is all.

THE WITNESS: There is one thing I want to say before I leave the stand. I would like to bring that out. The Republic Steel policemen shot across the banks of East Creek at our pickets, and into a house in which people were sleeping across the road, and they shot at our pickets by the American Bridge Company Works from the Republic Steel property.

MR. HUNT: If the Examiner please, would this be a convenient place to recess for lunch?

TRIAL EXAMINER LINDSAY: We will recess at this time until 1:15.

(Thereupon, at 11:50 o'clock a. m., a recess was taken until 1:15 o'clock p. m. of the same day.)

AFTERNOON SESSION

TRIAL EXAMINER LINDSAY: The hearing is called to order.

MR. HUNT: Mr. Examiner, I would like to have Mike Ugranovich take the stand, please.

MIKE UGRANOVICH

a witness called by and on behalf of the National Labor Relations Board, and, having been first duly sworn, testified as follows:

Direct Examination

BY MR. HUNT:

Q. State your name.

A. Mike Ugranovich.

Q. Where do you live?

A. 1743 Superior Street, Northeast, Canton, Ohio.

Q. Now, you will have to speak up as loud as you can, so that we will all hear what you say.

When did you enter the employ of the Republic Steel Corporation?

A. In 1934.

Q. Did you go out on strike in 1935?

A. Yes, I do.

Q. Did you get your job back after the strike was over?

A. No, I was get fired at that time. They fired me off the job for about a month.

Q. Who fired you?

A. Mr. Hopkins.

Q. Who is he?

A. Superintendent of the grinding department and the shipping department.

Q. What is your position in the mill?

A. I am a grinder.

Q. You say you were fired for about a month?

A. Yes.

Q. Did he say anything to you when he fired you?

A. I went to the office and ask when I would go back to work and he give me a discharge paper, and he say to me: "You got job on the picket line, and I cannot use you any more."

MR. DAY: When was this?

MR. HUNT: 1935.

MR. DAY: We object to it because this man's name is not mentioned in the complaint as one who was improperly dismissed from employment.

TRIAL EXAMINER LINDSAY: That does not eliminate him from testifying.

MR. DAY: No, but this was in 1935.

TRIAL EXAMINER LINDSAY: I will overrule the objection and let the record proceed.

(Exception noted for Respondent.)

BY MR. HUNT:

Q. What did you do after that?

A. I was going on employment two or three times, and I went to the main office to see Mr. Baxter.

Q. Who is he?

A. He was superintendent all over on the mills.

Q. Yes?

A. I saw him about it and he asked me whether I was on the picket line, and I told him yes, I was, and he asked me: "How long have you been in this country?" And I told him, I said, "About 20 years." And he said, "Are you still crazy?" And I said, "I don't know if I am; I am on the picket line." And he said, "I will give you your job back if you do not do that any more."

Q. Was there anybody else there?

A. Mr. Hopkins and me and Mr. Baxter.

Q. What did he say about taking you back?

A. He told me I would have to stick with the company. He got me my job back when I promised not to go on the picket line.

Q. Did you attend any safety meetings in your plant or mill?

A. Yes.

Q. What were they about?

A. They have a little shaker, where they have wheels for grinding, and every once in a while sometimes once, and sometimes twice in a month they called a safety meeting about safety chutes and next thing vote for company union, with a petition to sign. If a man don't sign he don't last very long on the job.

TRIAL EXAMINER LINDSAY: What was that last; I did not hear it.

THE WITNESS: If a man don't sign he don't last very long on a job.

BY MR. HUNT:

Q. And who said that to you in the daytime?

A. Mr. Hopkins, in the daytime, and if it was at night the foreman.

Q. Do you remember anything Mr. Hopkins said?

A. He said, "Don't belong to the outside union; you got to stick with the company union." And he said: "If I find any more men outside, he cannot work for me."

Q. Will you please repeat that?

A. He said to us if he find any man belong to the outside union, he cannot work for him.

MR. DAY: Who said that?

MR. HUNT: I will ask him.

BY MR. HUNT:

Q. This was Superintendent Hopkins?

A. Yes.

Q. When—do you remember any particular time?

A. It was around December, 1936. He was in that

meeting twice—almost two weeks.

Q. Were you ever asked to sign a petition while you were in that mill?

A. Yes.

Q. What was the petition about?

A. The petition was about some kind of a union inside, a company union, but I don't know all about it, but it was an inside union. That was in December. There was one of them right after the new year.

Q. Right after the new year?

A. Yes.

Q. In January?

A. Yes.

Q. What was that?

A. A petition to sign—was everybody satisfied.

Q. He asked you to sign that petition?

A. Hopkins come around, and passed out the petition, and asked us to sign it.

Q. Did he say anything about it?

A. The only thing was about the union and the C. I. O. "If you fellows are foolish enough," he said, "to spend your money outside you better keep your money in your pocket." And he said that the company union "you don't have to spend anything."

Q. Do you remember anything else?

A. He said about safety chutes, and supposed to be inside, and not outside.

Q. Were you discharged from the company?

A. Yes.

Q. When was that?

A. In 1937, the 11th of February.

Q. Will you tell us about your discharge,—what happened?

A. Well, I don't know what was happen. I was come down on my job, and the foreman come over and told me, "You go and see Hopkins."

Q. Who told you that?
A. The foreman, Gene Thomas.
Q. And who was Hopkins?
A. The superintendent.
Q. All right. And he said what?
A. And he asked me if I have my goggles and badge, and to lay them down on the desk.
Q. Why was that?
A. Well—a desk, like this (indicating).
Q. Did the goggles belong to the company?
A. Yes.
Q. Did you always wear goggles?
A. Yes, everybody in that department.

I said, "What is going on, Mr. Hopkins?" And he said, "You have got some slow work, five and six weeks on a job. You have worked for almost three years doing my work." And he said, "Don't you mind that strike, in 1935?" And I said, "Yes, sir." And he said, "I give you a chance, that time, and still, now, there is something else, outside, some kind of a name, C. I. O.—and you are in it already."

Q. Is that all?
A. Yes.

MR. HUNT: That is all.

Cross Examination

BY MR. DAY:

Q. Do you belong to the C. I. O. lodge?
A. Yes, I do.
Q. What C. I. O. lodge do you belong to?
A. What C. I. O.?
Q. What lodge?
A. The C. I. O.
Q. I know it is the C. I. O., but do you belong to some lodge of the C. I. O.?

A. I don't know what you mean. C. I. O. you hear about it, and you try to ask me what it is. I don't know. You ought to know better than I do.

Q. Where do you live?

A. 1743 Superior Street, Canton, Ohio, Northeast.

Q. Do you belong to some union here? I don't mean the C. I. O.?

A. I did once before and dropped out of that and take the C. I. O. How do you like that?

Q. I like it all right.

A. Well, like it or not.

Q. Do you belong to some local lodge of the C. I. O.? That is what I am trying to find out.

A. Maybe you know better than I do. I just tell you C. I. O. That is all I know. I signed for it and I am in it yet.

Q. You were here this morning when Mr. Downard testified, were you not?

A. Yes.

Q. And when Mr. Beckner testified?

A. Yes.

Q. You heard those two men testify?

A. I don't know anything about those fellows' case.

Q. Do you belong to the same lodge they belong to?

A. You are trying to find out from me. Why don't you find out from those fellows?

Q. You were a grinder, weren't you?

A. Yes.

Q. What kind of work does a grinder do?

A. Grinds steel.

Q. Just tell the Court in a general way how it is done?

A. How is it done?

Q. Yes.

A. How could I show you with my empty arms? I don't have that wheel under my arms. How could I?

Q. What do you grind with? What kind of a tool do you use?

A. What do you mean?

Q. I mean, when you do the grinding what kind of a tool do you use?

A. There are different grinders.

Q. Can't you tell?

A. They have a small grinder, a small wheel, and you have got some of them with 26-inch wheels and 24-inch wheels, a stem grinder, and so on.

Q. Can you give the Court any idea how the grinding work is performed? Can you give the Examiner any idea as to that?

A. I can't give you how that is. There is a seam some place and it cracks, and you do that.

Q. And that was your job?

A. Yes.

Q. You were laid off in February, 1937?

A. Yes.

Q. And you came to work intoxicated that day, didn't you?

A. Who?

Q. You.

A. No.

Q. Isn't it a fact that on February 8th when you were laid off, or, if you say the 11th, in any event, the day you were laid off in February, 1937, you came to work intoxicated?

A. No, sir.

Q. Isn't that why you were laid off?

A. No. I am not laid off on account intoxicated. You can ask Mr. Hopkins when he laid me off.

Q. Listen to my question, please. And had you not come to work intoxicated many times before that?

A. Who? Me?

Q. Yes, you.

A. No.

Q. And weren't you warned before this to stop your drinking and not to come to work intoxicated?

A. That is not it. I want to tell you something. I have stopped it. I have people in Canton who will say I was off of booze 28 months and never touched it.

Q. You were off the booze 28 months?

A. Yes, and I have a hundred people right here in Court to prove it—citizens of Canton.

Q. Now, answer my question, please.

A. I will answer you what it is.

Q. Have you not come to work many times intoxicated before this date?

A. No.

Q. Have you not been warned not to come around intoxicated again?

A. No.

Q. And weren't you doing this grinding work and at the time you were discharged isn't it a fact that with the tool you used instead of getting a straight line you would dodge around and go in circles and make spirals?

A. Oh, no. That was the grinder's fault, that is not me. That machine is supposed to have three belts. That is a high-speed machine. And he didn't have only one.

Q. Who took you off the job, or, as you say, discharged you? What man did that?

A. George.

Q. Who was that?

A. George Gene, the No. 3 foreman.

Q. And then you went to see Mr. Hopkins?

A. Yes.

Q. Isn't it a fact that on many pay days, or after many pay days before this day in February of this year before you were laid off that you had been off?

A. Do I what?

Q. You had been off two and three and more days at a time after pay day?

A. I was nine weeks off on account of sickness, and I had my own doctor.

Q. Then I will ask you this question directly: Isn't it a fact that from August, 1936, until the time you were laid off in February, 1937, that there were at least six or eight pay days during that time when you would not show up for work for two or three or more days after pay day? Isn't that true?

A. No, that ain't true. I don't care what anybody says, that isn't true. The only time I am sick. We have a rule if a guy is sick and can't come out to work, to use the telephone and call up. When I was sick I used a doctor, and when I came back from the doctor I have to bring a slip to show what is the matter with me, or any man working in the mill.

Q. I am not talking about when you were sick.

A. That is what it was.

Q. Isn't it a fact you laid off?

A. No, it is not.

Q. Wait until I finish the question, please.

Isn't it a fact you laid off after these pay days because you had been drinking?

A. No.

Q. Weren't you in the habit of going out and filling up on labor [liquor] after pay days?

A. No.

Q. You say no?

A. That ain't true. I don't know who wrote that down.

Q. You were laid off in February, 1937?

A. Yes.

Q. What have you been doing since then? Have you been doing anything?

A. Oh, I tried to do something, a living. I can't do nothing. I got a job a couple of days to make my living.

Q. Where have you worked since you were laid off last February?

A. I worked about nine days.

Q. Where?

A. In Pittsburgh, Pa.

Q. For what company?

A. American Steel Foundry Company.

Q. How long did you work there?

A. Nine days.

Q. When was that? In what month was it?

A. In April.

Q. In April of this year?

A. Yes.

Q. Did you work anywhere else since February except there?

A. No, sir.

Q. Did you try to work anywhere else?

A. Yes, sure I tried. I still go after work.

Q. Did you ever live in Allensport, Pa?

A. Who?

Q. You.

A. In Allensport, Pa.?

Q. Yes.

A. No.

Q. Did you live in Allenport, Pa.?

A. I live in Stockport, Pa., not in Allenport.

Q. Do you know where Allenport is?

A. I know. I passed it a lot of times.

Q. How far is Stockport from Allenport?

A. It is Stockdale. It is only 5 cents fare.

Q. How long did you live in Stockdale?

A. Five years.

Q. When was that?

A. Five years.

Q. But when was it?

A. I came in the last part of 1928.

Q. Have you been on the picket line since the strike started?

A. No.

Q. Have you been acting as a picket in the strike at all?

A. Here?

Q. Yes.

A. Sure.

Q. In Canton?

A. Sure.

Q. Since the strike started?

A. Sure.

MR. DAY: That is all.

MR. HUNT: That is all.

(Witness excused.)

MR. HUNT: I would like to call Mr. Sabri Shaban.

SABRI SHABAN

a witness called by and on behalf of the National Labor Relations Board, and, having been first duly sworn, testified as follows:

Direct Examination

BY MR. HUNT:

Q. Please state your name.

A. Sabri Shaban.

Q. Where do you live?

A. 548 Winfield Way, Northeast.

Q. When did you first start to work for the Republic Steel Corporation?

A. In 1933, on June 27th.

Q. What was your job?

A. Chipper.

Q. How long did you work?

A. I worked about eight or nine months, until 1934, March 29th.

Q. And then you left the company?

A. Yes, I left the company. I talked to Mr. Hopkins, my superintendent, I had to go across the water for a vacation.

Q. You went across the water for a vacation?

A. Yes.

Q. What do you mean by across the water?

A. I have to go to the Old Country.

Q. To the Old Country, you say?

A. Yes. And I was talking to Mr. Hopkins.

MR. DAY: We want to object to this.

TRIAL EXAMINER LINDSAY: The objection is overruled. Let the record show an exception.

(Exception noted for Respondent.)

THE WITNESS: And he promised me, "When you come back I will give you a job."

BY MR. HUNT:

Q. "When you come back I will give you a job."

A. I go over there and I stay very long because I run out of money and I stay back there. I come back here and I come and see him and he no give me a job the first time. The second time when I come was October 25th and I saw him.

Q. You saw Mr. Hopkins on October 25th in what year?

A. 1936.

Q. You saw Mr. Hopkins then?

A. Yes; I went in the office and there was an employment man give me a piece of paper, and I go in the shop and see Mr. Hopkins.

Q. The employment man told you to see Mr. Hopkins?

A. Yes, and he give me a pass to go inside and I go in the office and see Mr. Hopkins and take a chair and sit down. Mr. Hopkins was over there, and the assistant superintendent, John, was here, and I sit here (indicating).

Q. You saw Mr. Hopkins?

A. Yes.

Q. And who was the assistant superintendent?

A. John.

Q. He was assistant superintendent?

A. Yes, he was assistant superintendent, and he is in the office, too. And he said to me, "I am going to give you a job but if you listen to me"—

I said, "What, Mr. Hopkins, you say?" He said, "If you listen to me what I am going to say to you," and I said, "That is all right, Mr. Hopkins, because I know I have no penny in my pocket. I ain't have no penny." He said, "You will listen to me, I am going to give you a job."

"All right, Mr. Hopkins, I have to listen. I am going to listen, sure." And he say, "You belong to a union?" and I say "No."

"Do you belong to the C. I. O.," and I say "No."

"If somebody go on the road and stop you, or something like that, what are you going to say?" And I just figure and I sit two or three minutes just like that (illustrating). He said, "What are you going to say to me now?" I say, "I know I no have to sign my name because I am hungry." He said, "If you listen to me that way I am going to give you a job right now." I said, "All right, Mr. Hopkins."

And he gave me a job. He gave me the badge and punch card and paper and everything. So then I go back and he gave me badge, and I go home, and on the 29th of October he sent me to work.

Q. The 29th of October you started to work?

A. He told me to go to work. The 25th he hired

me and on the 29th I go to work.

Q. When were you discharged?

A. April 27th.

Q. Did anything happen before that time?

A. About three or four days before that I walk in and I am still working, and I have Steel Working paper in my pocket.

Q. You had what?

A. Steel Worker paper in my pocket.

Q. Was that a newspaper?

A. Yes, a newspaper for steel workers. And I was forgetting it.

Q. How it that?

A. I was forgetting it was in my pocket.

Q. Which pocket was it in?

A. In my right pocket.

Q. And it was folded in your back pocket?

A. No, I no fold it, but it was behind me some place, and he see that.

Q. He saw it where?

A. He saw it in the pocket. That is, Mr. Hopkins did, and he take it out. He said, "Where you get this?"

Q. Will you repeat that, please?

A. Mr. Hopkins say, "This is Steel Workers paper in your pocket."

Q. Mr. Hopkins said this was the Steel Workers paper in your pocket?

A. Yes.

Q. And he pulled it out?

A. Yes. And he threw it away. And he said, "Listen to me what I will say to you."

Q. What did he say? You will have to speak louder.

A. He said, "Why you no listen to me when I say I would give you a job?" And he throw away that paper and didn't say nothing that time.

In three or four days he called me in the office and he

say, "You no listen to me that time when I was talking to you and I give you a job and you belong to C. I. O. now." And he said, "Give me my badge." I said, "Mr. Hopkins, maybe I no give you the badge."

He said, "You have to leave the badge here." And I take out the badge from my cap and he give me the slip.

MR. HUNT: That is all.

Cross Examination

BY MR. DAY:

Q. Just a minute, please. You say you were a chipper?

A. Yes.

Q. What does a chipper do?

A. A couple of fellows work on that chain and the crane and bring the billets. They will be there and the foreman come around the work and he say, "Do this. Do that." And you and me is partners and we have to take a hammer like that and take off the chip.

Q. I don't think I understand you very well. A billet is how long?

A. 190 inch, and it is four by four, or five by five, or six by six.

Q. Four by four inches?

A. Four by four come up more long, and five by five more short, and eight by eight come a little more short.

Q. When you say four by four you mean inches, don't you?

A. Yes, inches, four by four. You call them inches.

Q. It is so wide and so thick (indicating)?

A. Yes. Some are round and some square and some long ones and some short ones.

Q. How long is the billet and about how many feet long is it?

A. Oh, it is from here to over there, from here to the

table, about that thick (indicating), and about that thick (indicating), and any kind.

Q. Now, as to the chipper, what kind of a tool do you use to do the chipping?

A. Just a hammer and chisel.

Q. And you use the hammer and chisel to do what?

A. To take off the chips.

Q. If there is any defect or chip in the billet, you use that to get it out?

A. No, just one take it out or two or three or five, or whatever it is.

Q. Maybe I can get that better from some other witness. I think perhaps I would better try it that way.

In what plant did you work?

A. Republic Steel.

Q. Did you work in Canton Republic Steel?

A. Yes.

Q. What plant of Canton Republic Steel?

A. Plant B.

Q. Who was your foreman?

A. My foreman was called Bill.

Q. Do you know what his last name was?

A. No, sir; because he was changed.

Q. You were laid off, or, as you say, you were discharged April 27th of this year?

A. Yes.

Q. When had you gone back to work before that time?

A. When I was at work?

Q. Yes. You told us about a talk you had with Mr. Hopkins, as I understood it.

A. Yes.

Q. And you say he gave you a job?

A. On the 25th he gave you a job.

Q. When was that?

A. October, 1936.

Q. That was last October?

A. Yes.

Q. Then you had worked from October until April?

A. Yes.

Q. You worked for Republic Steel before that, had you not?

A. Yes.

Q. How lcng before that?

A. 1933 I got the job, June 27th.

Q. Is that when you started or when you quit?

A. No, it was when I started, and I quit in 1934.

Q. You quit in 1934?

A. Yes.

Q. Where did you go then?

A. I go on vacation.

Q. You went to the Old Country?

A. Yes.

Q. You crossed the water?

A. Yes. And I was talking with him and ask him if he no give me a job I no go. He promised me to give me my job back, you see.

Q. At any rate, you went to the Old Country?

A. Yes.

Q. How long did you stay there?

A. About two years.

Q. Then you come back and got your job back?

A. I got the job back.

Q. In October, 1936?

A. Yes, after six months.

Q. How many chippers were there working along on the same kind of work you were working on?

A. Sometimes 150, sometimes 200 in a shift.

Q. The nber of chippers that the company had working depended upon the amount of work that the company had to do, didn't it?

A. Yes.

Q. And do you know whether or not when you were

laid off any others were? Do you know whether or not when you were laid off in April, a few months ago, there were other chippers laid off, also?

A. They laid off some. I know they hire some later, and they hired me.

Q. When they laid you off last April they also laid off other chippers, didn't they?

A. They hire me October 25th.

TRIAL EXAMINER LINDSAY: He still does not understand the question.

The question is: When you were laid off in April were there any other fellows working with you who were also laid off?

THE WITNESS: No, not all of them. Some were.

BY MR. DAY:

Q. Not all, but some?

A. Yes, some that were behind me. After two or three weeks they hired a lot of people.

Q. I mean on the same day that you went out?

A. Yes, the same day when I go out. And the same day when I go in, I got the job in 1936, April 25th.

Q. I guess you mean October.

A. I mean October. And he hired a chipper after two or three weeks from that. They hired over eighty or ninety people. And at that time when I got the job, after two or three weeks, he give the jobs to somebody.

Q. But you got the job?

A. Yes.

Q. You just told the Judge sitting up there that when you were laid off in April some other men were laid off with you?

A. Not all but a few others.

Q. Do you know what I mean when I talk about length of service? Do you know what I mean?

A. No.

Q. Do you know that the company keeps a record of

the number of months that the different men work for them? Do you know that?

A. No.

Q. And, do you know that when men are laid off that the company takes into consideration the amount of time they have worked there?

TRIAL EXAMINER LINDSAY: Oh, I think that is unfair cross examination.

MR. DAY: I do not know any other way to put it, Your Honor; I don't want to take any unfair advantage of him.

TRIAL EXAMINER LINDSAY: Well, you show it by your own evidence, because you have your evidence, and why produce it from this witness?

MR. DAY: Well, then, I won't ask him.

TRIAL EXAMINER LINDSAY: No, I think it is unfair.

BY MR. DAY:

Q. After you were laid off in April, did you work for a short time for the Canton Culvert Company?

A. Yes, about four days and one and one-half hours.

Q. And the Canton Culvert Company is a part of the Republic Steel?

A. Yes.

Q. How long after you were laid off was it that you worked for the Canton Culvert Company?

A. Oh, a short time.

Q. Do you know whether or not the Canton Culvert job was just a rush job and that when the job was finished the men were laid off again?

A. I don't know.

TRIAL EXAMINER LINDSAY: You have all your records on that, and this man does not understand English very well, and I think it is unfair.

MR. DAY: All right; I am perfectly willing to do that.

That is all.

MR. HUNT: That is all.

(Witness excused.)

MR. LAUTER: If the Examiner please, there has been a witness subpoenaed, and I do not know whether they are here or not, the Fidelity & Casualty Company; they have been subpoenaed, and I wonder if their representative is in the court room.

TRIAL EXAMINER LINDSAY: We will take a ten minute recess, and you can make an investigation.

MR. LAUTER: Well, we are not intending to call him at this time, but merely trying to find out if he is here. We are willing to go ahead.

TRIAL EXAMINER LINDSAY: All right.

MR. HUNT: Mr. Will S. Wright, please take the stand.

WILL S. WRIGHT

was thereupon called as a witness for the National Labor Relations Board, and, having been first duly sworn, testified as follows:

Direct Examination

BY MR. HUNT:

Q. Your name is Will S. Wright?

A. Yes.

Q. Where do you live?

A. 1834 Berger Place.

Q. That is in Canton?

A. Yes, sir.

Q. Were you at one time employed by the Republic Steel Corporation?

A. Yes, sir.

Q. What was your job?

A. I was a chipper in the mill.

Q. What mill?

A. In plant B, in the 28 Department.

Q. When did you first enter the employ of the Republic Steel Company?

A. In 1922.

Q. And how long did you work?

A. I worked about three months.

Q. Why did you join the Republic Steel Company at that time?

A. Mr. Ake came to Midland, Pennsylvania, in 1922, and began to round up men to work during the strike.

Q. During the strike here in Canton?

A. Yes, sir. He told me and Duke Bell, if we got up men to come over here to work,—and Mr. Ake got in Midland, Pennsylvania, about eleven o'clock on that day, and it got around in town. The law found that there was a man going to carry men out of town, you know, for chipper. And Mr. Ake got into the car and went to East Liverpool, and he told us before he left: "I will be back here in the morning, early. You all be sure to have the men ready."

Q. Yes.

A. And the next morning, me and Duke Bell had the men ready early. And, on the platform Mr. Ake told me and Mr. Bell: "Now, I want to tell you all: You all want a good job—"

MR. DAY: If the Court please, this was back in 1922.

MR. HUNT: I assure the Court it will be tied up with the rest.

TRIAL EXAMINER LINDSAY: I will overrule the objection, and you may have an exception.

Proceed.

(Exception noted for respondent.)

BY MR. HUNT:

Q. What did Mr. Ake tell you then?

A. He says: "I want you fellows to go over there and work." And he says: "If you fellows go over there and stick with us through this strike, you will have preference, if you will have to come back, you will have a preference for a job, as long as you do not do anything out of the way with the Company."

MR. DAY: In order to preserve the record, I move to strike from the record that conversation about something that happened in 1922, before the Republic Steel had anything at all to do with it, and not being connected with it, at any time.

TRIAL EXAMINER LINDSAY: Your motion to strike is denied, and let the record show an exception.

(Exception noted for respondent.)

BY MR. HUNT:

Q. Who is Mr. Ake?

A. I think he is superintendent in the department.

Q. Superintendent of what?

A. Of the Alloy Steel, or of the Republic Steel.

Q. He is head of the employment department of Republic Steel?

A. Yes, sir, as far as I know.

Q. When did you start working again for the corporation?

A. When I came back in 1933.

Q. And how long did you work at Republic Steel at that time?

A. From 1933 up to 1935.

Q. Did you leave the corporation at that time?

A. No, sir; I was discharged.

Q. Why were you discharged from the corporation at that time?

A. Well, it happened to be a strike, right over in the

Berger Department, and I was out on the picket line with the boys.

Q. Did you try to get back to work after the strike?

A. Oh, I went back to work. The strike was over on a Saturday, and the men that worked in the Chipper Department, all went back on a Sunday morning to get our badges, and so forth, and so that we would be notified to go back to work.

And I went over there on Sunday morning, and Hopkins was assistant superintendent, and he told me: "You had better go and come back, and we will call you in a couple of days." And so I went home, and I thought he would let me know in a couple of days, and I called Mr. Hopkins up on the telephone, and I said: "Hey, Mr. Hopkins, what is the matter? We are not working—Mr. Johnson said he would let us know, and there ain't nobody let me know."

And he said: "All right, come out tonight at twelve o'clock, on the night turn." And so I went out, and I was getting my hammer, and so forth, and Johnson said: "What are you doing here tonight? Have you got an order from Mr. Hopkins?"

And I said: "No, I was talking to Mr. Hopkins, and he said to come over tonight at 12 o'clock." And he said, "You can go back and get an order from Hopkins." And I said, "I don't have to lie; he told me to come on out here." And he said, "You go back and get an order from Mr. Hopkins." And I said, "All right." And when the time expired, I got sore about it and I went back over there to see Mr. Hopkins. And he said, "Bill, if you want to work here, you have to stick with the company. You can not have one foot over here, and one over there, and expect the company to stick with you. You are depending on the company for your living, aren't you?" And I said: "Yes."

Q. This was back in 1925?

A. Yes, sir, back in 1925.

And so, while I did not get no job back, the C. I. O. come on out. During 1936, I think it was, a fellow by the name of "Williams" saw me and said: "What is the matter, Will; you ain't working?"

Q. Who is Williams?

A. Well, all us fellows calls him a snitcher—a fellow who sneaks around and reports back, that is, that you are doing things that are not right,—he carries the report back and when the time comes, of course, off you go.

MR. DAY: I object to the conversation between this man Williams and this witness.

TRIAL EXAMINER LINDSAY: I will overrule the objection and let the record show an exception.

(Exception noted for respondent.)

BY MR. HUNT:

Q. Was Williams an employee of the Republic Steel?

A. Yes, sir, he was a chipper.

Q. And when you say he was, you mean that he was at that time an employee?

A. Yes, sir, he was working.

Q. What did he suggest to you?

A. He told me: "If you want to work, I will see if I can not get you back to work." And he said: "Do you want to work?" And I said: "Yes, I have off, now, about nine months, and I think I feel like I should go to work."

And he said: "You be here tomorrow morning at Gus' Pool Room." And I said: "All right."

But I did not think much of it, because I did not think he had any influence, but I thought he was just a working man like me, and I did not see him the next morning.

Q. How did you miss seeing him?

A. Well, I was having a little fun that night, and I overslept, and about the next night I saw him, and he say: "You are a hell of a man; you say you were going to be here, and you did not show up."

"Well," I said, "I was having a little fun last night, and I overslept." And he said: "You be sure to go over there tomorrow." And I said. "O. K." And I went over there and Mr. Ake saw me and he give me a note.

Q. And who is Mr. Ake, again?

A. That is the superintendent of employment.

Q. Is that the same Mr. Ake who talked to you in 1922?

A. Yes, sir, the same young fellow.

Q. All right.

A. And so I went over to the chipper department with the note, and went in there and Mr. Hopkins was sitting in there, in the office, and he looked up and say: "Hey, you back?" And I said: "Yes, sir, right back here." And he said: "Sit down." And he said: "Now, what are you going to do this time; are you going to stick with the company, or not?" And I said: "Well, Mr. Hopkins, I would like to work, and if sticking with the company means work, that is just what I got."

And he said: "Well, I told you before you must stick with the company, but I am going to give you your job back, if you stick with the company." And I said: "Thank you; I will stick with the company."

And meantime, I have stuck with the company, working every day, except Sundays, and when I was sick.

Q. Did you ever have any complaint about your work after you came back?

A. No, sir.

TRIAL EXAMINER LINDSAY: Are you still with the company?

THE WITNESS: No, sir; I ain't with the company. I been away.

TRIAL EXAMINER LINDSAY: All right.

BY MR. HUNT:

Q. Did you ever attend any safety meetings?

MR. DAY: I object to that, on the ground that

it is immaterial and has no bearing to the charge.

TRIAL EXAMINER LINDSAY: I will overrule the objection and let the record show an exception.

(Exception noted for the respondent.)

BY MR. HUNT:

Q. Go on.

A. They talked about safety provisions, and chutes, and walking around on scrap, and so forth, and he said: "You fellows know, you don't want to mess around with no outside union, because if you want to work, you cannot be tied up with no unions."

Q. Who spoke at these daytime meetings?

A. When I was on days, it was Mr. Hopkins who would speak. And, lots of times, Johnson would speak.

Q. Who is Johnson?

A. He is foreman. Sometimes Charlie, the bed foreman would speak.

Q. Did you ever hear Mr. Hopkins say anything about an outside union?

A. Well, just at the meeting he would say: "You fellows don't want to be messed up with no outside union, because it is no benefit to be tied up with no outside union, if you want to work."

Q. Were you discharged by the Republic Steel Corporation?

A. Sure—that is who I was working for.

Q. Well, tell us the circumstances leading up to your discharge, as well as you can remember.

A. Before I got discharged, the C. I. O. was circulating out northeast there, and I met Mr. Beckner in a pool room out northeast.

Q. Who is he?

A. The vice-president, I think, now, of the local. And he was talking to some of the boys, and he said: "Here, how about your signing up in the C. I. O.?" And I took one of the cards up in my hands and looked at it. I am not

educated, but I looked at it anyhow, and I said: "Oh, no; you wait until pay day. I might join pay day."

Well, Williams was a snitcher,—the big snitcher!—and he was standing there at the moment, and looking around, and after Mr. Beckner left, I said to Williams: "Say, Williams, what about that?"

MR. DAY: I want to object to this.

TRIAL EXAMINER LINDSAY: Objection is overruled, and let the record show an exception.

(Exception noted for the respondent.)

BY MR. HUNT:

Q. Go on.

A. And he said: "Well, I tell you; if you ain't signed you better not sign if you want work, because the damn C. I. O. ain't no good, if you want your job."

And I said: "O. K." Then about a week or two after that Mr. Beckner was out northeast, and he challenged myself and a couple of the fellows named "Otis" and a couple of Portugese, and he asked us what we are going to do, and Williams was standing there at a bar, and looking around, and Williams sneaked on out, and, about two days after that, the axe was falling, and they were cutting off the men, and I was called into the office.

Q. Into whose office?

A. Mr. Hopkins.

Q. What took place then?

A. Mr. Hopkins was sitting down and he got into a conversation with the boys and he said: "The old men are kicking."

Q. Were there some other fellows there with you?

A. Yes, the boys that got laid off.

Q. With you?

A. Yes, sir.

Q. All right.

A. And he said: "The old men are raising Cain; they

ain't making enough hours, and so on," to make it all right for the old fellows.

And I said: "All right." But I stayed there, because I had a message and I said: "Mr. Hopkins, you say you are cutting off new men?" And he said: "Yes." And I said: "Mr. Hopkins, I started to work in 1922."

And he said: "You say you were laid off once, wasn't you?" And I said: "Yes."

And he said: "You know, I told you before, when I taken you back here, that you had to stay on the right side of the fence if you wanted to work for the company, that you could not have one foot over here, and one over there, if you wanted to work for the company." And so, he taken my badge and my goggles, and wanted my key to the locker, but I told him I did not save no key, that one of the other boys had it. And he told me to go over to the employment office, and they told me: "You will have to go over to the Berger gate tomorrow and get your check at four o'clock."

Q. Did you say anything to Mr. Hopkins in reply, when he said about keeping on the right side of the fence?

A. Yes; I said: "Mr. Hopkins, when Mr. Ake brought us boys from Pennsylvania, he told me and Mr. Bell down there on the platform, that we was entitled to a job there as long as we worked right with the company, that even if they laid off any men, we would have a job with the company."

And he said: "Mr. Ake ain't running this, now. I am running this, now."

Q. What did you say about being on the right side of the fence?

A. I told him: "Well, I am on the right side of the fence when I work." And he said: "You are not dumb; you know what I mean." And so I just walked on out.

MR. HUNT: That is all.

Cross Examination

BY MR. DAY:

Q. What was the name of the company back in 1922 when you started to work for it, do you remember?

A. It was the Alloyed, wasn't it?

MR. DAY: What was the name of it, in 1922?

MR. VEACH: The United Alloy.

BY MR. DAY:

Q. You came here what month?

A. I cannot tell you definitely.

Q. You did not stay very long, did you?

A. About three months, and I was taken sick and was in the hospital.

Q. You came back in 1922, again, didn't you?

A. That was when I started.

Q. And you stayed here about three months?

A. Yes.

Q. And then, you were sick?

A. Yes, and went away.

Q. And in what year did you come back again?

A. I came back in 1933—didn't you hear me just say that?

Q. How many years were you away, from 1922 to 1933?

A. That is what I said.

Q. You were away eleven years?

A. Well, I guess probably, if you figure it that way.

Q. Didn't you come here in 1922, and stay a short time and then leave, and did you not come back in 1925?

A. In 1925?

Q. Yes.

A. I don't have no reference of working in 1925.

Q. But, were you not off from 1925 to 1933, a period of eight years?

A. I was not working here then.

Q. Where were you?

A. I was in Pennsylvania, some; and some in the south—I don't have to tell you every where I was, do I?

Q. I am trying to find out how long you were here at Republic Steel, and how long you were away.

A. Well—

Q. (Interposing) You came back and started to work in 1933 again?

A. Yes.

Q. And worked until some time in 1935?

A. Yes.

Q. And did you not come back in 1936 and leave?

A. No, I did not leave;—I am still here.

Q. Well, listen to my questions, now, and try to answer them.

A. I am answering them, the best I can.

Q. I am asking you whether you did not leave in 1936 and then come back again.

A. Leave?

Q. Yes.

TRIAL EXAMINER LINDSAY: He means "quit".

THE WITNESS: I was fired;—you know I must have left.

MR. DAY: I think this witness knows what I mean, your Honor.

TRIAL EXAMINER LINDSAY: I think you are partially to blame, when you did not say "the company."

BY MR. DAY:

Q. Did you not leave the employ of the company on October 3, 1936, for a short time, and then come back again on October 21, 1936?

A. I was laid off here in 1936; the last strike here, I was laid off nine months. No, no; that was last year I was laid off.

Q. Well, can you tell us when you came back and started the last time?

A. I was off about nine months.

Q. You left the company this last time on the 27th of April?

A. They had discharged me.

Q. All right. Now, at that time, you started to work for the company last October, did you not; is that right?

A. Yes, sir, I started to work—

Q. Last October?

A. I do not know what month it was, but I started to work for them.

Q. In 1936?

A. Yes.

Q. In the fall of 1936?

A. I am not sure what month it was.

Q. And you worked from that time on, in 1936, and until the 27th of April of this year?

A. Yes.

Q. And you were discharged, were you not?

A. Sure.

Q. Now, what day in April, 1937—when you say you were discharged, there were some other chippers discharged at the same time, were there not?

A. You heard me say, a few minutes ago.

Q. Well, I am asking you about it again, now.

A. Yes, there were some men discharged.

Q. And, as I understand it, you and some other men were called into Mr. Hopkins' office?

A. We were all sent there.

Q. And you were all discharged?

A. Sure.

Q. How many of you went into Mr. Hopkins' office and were discharged at the same time?

A. I don't know; I was uneasy, myself, and I was not counting them.

Q. Well, about how many were in Mr. Hopkins' office, and were discharged, at the same time?

A. I do not know.

Q. Well, can you give us an idea—were there a dozen?

A. I do not know—that is my idea, and then I know I am right.

Q. Listen to this question, because this is a serious matter.

A. Yes, I know it is, if I don't answer right.

Q. I don't expect you to tell the Judge how many men were laid off, but I do expect you to say about how many were laid off at that time.

A. Well, I will tell the Judge that I do not know; isn't that all right?

TRIAL EXAMINER LINDSAY: Well, if you have not any idea.

THE WITNESS: I have not any idea.

BY MR. DAY:

Q. And do you know whether or not the men who were kept on the job as chippers at that time had been working continuously there longer than you had?

A. Not all of them, no.

Q. You do not know about that?

A. I know some of the men on the job,—knew they had hired them since I was.

Q. You knew the work had to go on?

A. Sure; the work had to go on.

Q. And did Mr. Hopkins tell you that some of the men were kicking?

A. Yes.

Q. Did Mr. Hopkins tell you that?

A. Yes, he mentioned that in the room, in the office there.

MR. DAY: That is all.

MR. HUNT: That is all.

(Witness excused.)

TRIAL EXAMINER LINDSAY: We will take a short recess.

(Whereupon a short recess was taken.)

VICTOR ARIAS

a witness called by and on behalf of the National Labor Relations Board, and, having been first duly sworn, testified as follows:

Direct Examination

BY MR. LAUTER:

Q. Please state your name.

A. Victor Arias.

Q. Where do you live?

A. 1810 Eighth Street, Northeast.

Q. Have you been employed by the Republic Steel Corporation plant?

A. Yes, sir.

Q. When did you start working there?

A. I don't recall whether it was 1930 or 1931.

Q. Have you worked continuously since then?

A. Off and on until 1927.

Q. Since 1927?

A. I worked since then up until 1936 when I was laid off.

Q. For approximately 9 years; is that correct?

A. Yes.

Q. In what mill did you work?

A. The chipping department, what they call the plate mill.

Q. What they call the plate mill?

A. Yes.

Q. Where is that mill located?

A. Plant A.

Q. Is that in Canton?

A. Republic Steel, Canton, Alloy District.
Q. Are you a member of the C. I. O.?
A. Yes.
Q. When did you join?
A. The latter part of July, 1936.
Q. Do you recall the Berger strike?
A. Yes, sir.
Q. Were you active in that strike?
A. Yes, sir.
Q. Were you reemployed after that strike?
A. They held me back about two or three weeks. I can't recall the exact dates. Then they called me to work after that.
Q. Who called you to work?
A. The superintendent, Ott Ellasser.
Q. Approximately when were you called back?
A. I think I was held off about two or three weeks, although I am not sure.
Q. Do you remember a conversation when you were called back?
A. Yes.
Q. State the nature of that conversation.
A. When I first reported for work I came to the foreman and asked him—

BY TRIAL EXAMINER LINDSAY:

Q. What date was this? Try to fix the date, please.
A. I don't know when that strike was on. It was in June, some time.
Q. What year?
A. 1936.

BY MR. LAUTER:

Q. 1935, wasn't it?
A. Yes, it was 1935. I reported to work. The foreman said, "You will have to see the superintendent."
So I went to see the superintendent. He said, "Vic, you were pretty active during the strike." I said, "Yes,

there is no use of my denying it any more." He said, "That is bad on your card." I said, "I can't help it. It is done. Maybe it is for the good, or maybe for the bad." He said, "You may stay home. I will call you whenever I need you."

So I waited and I didn't make any other effort to be reinstated. Two or three weeks later he called me back and I started to work.

Q. How long did you work after that?

A. I worked until August 2, 1936. On August 2d I got my vacation. After I got my vacation I got word I should stay home and they would call me whenever they needed me.

Q. Do you recall when the C. I. O. came into this area?

A. Yes.

Q. Approximately when was that?

A. In June.

Q. What year?

A. 1936.

Q. Did you become active at that time?

A. There was a committee, one from Youngstown and one from Scranton, Pa., representing the C. I. O. They wanted to get information towards the sentiment on the organizing problem in Canton, so they called upon me to see if I could help them out, which I did. Then I saw they got things straightened out. There was Porter and Price.

Q. Who was Porter?

A. An organizer of the C. I. O. from Portsmouth, Ohio.

Q. Who was Price?

A. The same organizer.

Q. You mean another organizer from the same place?

A. Yes, another organizer from Portsmouth, Ohio.

They called upon me to see if I could help them out due to the fact that I knew most of the men—well, not most of the men, but a bigger percentage of the men who

worked in the Republic—to see if I could help them out.

We held meetings out on farms. The first meeting was in the latter part of July, 1936. I got 25 cards, and that week I signed up eight men.

Q. Where did you conduct your organizing activities?

A. Out in the street.

Q. Near the plant?

A. Yes, near the plant and wherever I could get hold of them.

Q. How often did you have this work, or how often did you do your organizing?

A. As I was working, I have done it as leisure hours, maybe an hour or two a day.

Q. Are you working in the Alloy Division? Is that correct?

A. Yes.

Q. At that time in 1936 was there any other organizer in that plant?

A. No, sir.

Q. You were the only organizer?

A. I was the only organizer.

Q. You were the first organizer?

A. Yes, sir.

Q. In August, 1936, you testified you were laid off?

A. Yes.

Q. Will you describe the circumstances around your being laid off, or discharged?

A. Well, they was kind enough to give me my vacation before they let me go. I got my vacation August 2d and reported back to work August 9th, 1936. I had met Dave Carnes, my foreman. He said, "Vic, I don't know what you are up to at the present time, but you better see Ott."

Q. See who?

A. Ott Ellaser, the superintendent. So I went up to see Ott. It happened that Ott was on his vacation. Then

I went up to see Bob Graham, his assistant. I said, "Bob, why are they holding me out?" He said, "Vic, I haven't the slightest idea." I said, "Is it anything concerning my work?" He said, "No, not that I know of. There are activities that you are in that I don't know about, or exactly what it is. You will have to see Ott."

So I waited until Ott came back and I got in contact with him. He said, "Vic, you are in Dutch. I don't think I can do anything for you." I said, "Aren't you man enough to tell me what I am in?" He said, "No. You might come back some other day and perhaps I can tell you and straighten things out."

So I paid him another visit and I got the same answer. I told him, "Aren't you man enough to tell me what I am up to? I worked for the company as long as I did, and, so far as I know, my work was satisfactory, and you are not man enough to tell me what I have done." He said, "I am sorry for my part." I said, "I hate to go away and leave a job because I have parents who depend upon me to live, and I have worked here so long a time I hate to leave the job."

Q. Will you speak louder?

A. I told him, "I hate to leave the place, I have been working here so long, and I had this job." He said, "I am sorry, but I can't do anything for you."

Q. Did you have any other conversation with Ott?

A. That is all I had.

Q. Who is Frank Geltz?

A. Chairman of the Representative Committee.

Q. Did you have any conversation with him after you had been laid off?

A. I left town. I was in California trying to get a job for the last 8 months. And I was walking the streets, on Eighth Street, Northeast.

Q. And that was in Canton?

A. Yes. Then Frank asked me, "Vic, what is the mat-

ter you are not working?" And I told him.

BY MR. DAY:

Q. When was this?

A. This was in April, 1936.

BY MR. LAUTER:

Q. 1936 or 1937?

A. It was April, 1937. It was the latter part of April. I arrived about the 9th. I think it was the latter part of April.

MR. DAY: We would like to object to the conversation between this witness and Geltz. It does not bind the company.

TRIAL EXAMINER LINDSAY: Your objection is overruled. Let the record show an exception.

(Exception noted for Respondent.)

THE WITNESS: Frank was a good friend of mine when we worked together. I was a mill inspector for a long time. He sort of took a liking to me. We had very deep conversations with each other.

He said ,"Vic, I am going to see if I can do something. I will get some of the other representatives to go to see if we can straighten things out for you."

So I met him on the street, and I think it was about five or six days later, and he said, "Vic, I was up there"—

MR. DAY: The same objection.

TRIAL EXAMINER LINDSAY: The same ruling. Let the record show an exception.

(Exception noted for Respondent.)

THE WITNESS: He said, "Vic, I was up to see Ott, your superintendent, and he told me you had a police record—that is, a company police record." I said, "I haven't the least idea of anything I have done." He said, "I went to see Ake, the employment manager in the employment office, and he told me that on your record you talked too much."

I said, "Talked too much?" He said, "Yes, you talked too much."

I said, "You can imagine yourself what I spoke around there since the time you have been there. The conversation on labor, perhaps, it might be we would develop some discussions on politics or something of the kind. That is the only language I used around there." So that is as far as I got with Geltz. He said he couldn't do anything else.

Q. During the period of approximately nine years that you worked before you were discharged, were you ever complimented for your work?

A. Yes, sir.

Q. What was the nature of the work you were doing when you began to work in 1926—was it, or was it 1927?

A. I started in 1926. I started in the Lamberton Mill.

Q. What kind of work?

A. Shear labor.

Q. Did you ever receive any promotions while you were with the company?

A. I worked there for five years, I think it was. And I was an inspector before that. Before 1927 I worked for Bob Graham, the superintendent. They asked Bob, "I wonder if I can get Vic out of the plate mill and have him inspect in my department." He asked Ott and Ott agreed. So I went in there and worked as a grinder, and then from grinder I went as table inspector.

Q. You were promoted to table inspector?

A. Yes.

Q. Then what?

A. From table inspector I went in charge of the chipping bed. I was inspecting and took care of the men.

Q. Are you familiar with the Employes Representative Plan in the Canton plant of Republic Steel Corporation?

A. Yes, sir.

Q. And have you been employed there when they were

holding any elections under that Plan?

A. Yes.

Q. Have you voted in any of the elections?

A. I voted until 1936.

Q. Were you ever told to go to vote?

A. Yes.

Q. Who told you?

A. Ott Ellaser.

Q. What did he tell you?

A. He came around and said, "Vic, did you vote?" And it was before 1936. And I said, "Yes."

In 1936, when he came along, he came in and said, "Vic, did you vote?" And I said, "No, I will think about it." It was about 4 o'clock when he came around, and he said, "Vic, did you vote?" and I said, "I will think about it."

He said it is up to you. It is for your own good. I said, "For my own good I will think about it." But I did not vote.

MR. LAUTER: That is all.

Cross Examination

BY MR. DAY:

Q. Mr. Arias, you were laid off in August, 1936?

A. Yes, August 2d.

Q. What have you been doing since that time?

A. I have got a job, when I arrived here from California. I am working at a plant in Canton.

Q. You are now?

A. Yes.

Q. For what plant?

TRIAL EXAMINER LINDSAY: Just a minute, please. If he does not want to divulge that information he does not have to do so.

THE WITNESS: If it is not necessary I will not do it.

MR. DAY: I am just wondering whether on some phases of this part of the complaint the Respondent would not have the right to show this man has been employed.

TRIAL EXAMINER LINDSAY: When it comes to that question that will be taken care of so that the company will not in any way be jeopardized.

MR. DAY: I shall not press the question.

MR. LAUTER: May I make this suggestion? I will object formally, for the record, to the identification of the company; but if Counsel for the Company wishes to inquire into his earnings I have no objection to that since I can realize that would be highly material if the company is required to pay the back pay lost.

TRIAL EXAMINER LINDSAY: He may go into that angle of it, but not the name of the company by whom he is now employed.

MR. DAY: Regardless of the name of the company, and you will understand I do not ask you to give the name of the company for which you are working, under the ruling of the Court, but how long have you worked for that company?

THE WITNESS: Three months the 24th of this month.

BY MR. DAY:

Q. What compensation are you receiving from that company?

A. Forty-five cents an hour.

Q. How many hours are you working?

A. Eight hours. We have a little bonus, which depends upon the ability of our work.

Q. When you were an organizer for the C. I. O., did you receive some compensation?

A. No, sir.

Q. No compensation?

A. No, sir.

Q. Then the only job you have had since August, 1936, when you left, or were laid off at Republic, is the job you are telling us about?

A. Yes, sir.

Q. And you have received no compensation from anybody else?

A. No, sir.

Q. Are you a chipper?

A. No, sir.

Q. Were you an inspector?

A. Yes, sir.

Q. In August, 1936, when you were laid off, were you an inspector?

A. Yes, sir. Pardon me, I was an inspector, and an inspector has to take charge of a group of men—that is, eight or twelve, depending upon the work.

Q. What kind of work did those men do that you took charge of?

A. They were chippers.

Q. Will you give us some idea as to what a chipper does?

A. It all depends on what he chips. There are certain types of steel, round and square, and there are seams in the billet, or the bar, which has to be taken out. The inspector marks them and the chipper with the hammer and chisel digs them out.

Q. And you were the inspector who marked places where that kind of work was to be performed? Is that right?

A. Yes, sir.

Q. When did you start to work before August, 1936?

A. Before August?

Q. Yes, the last time.

A. It was in June, 1927.

Q. And you had been there continuously all of the time?

A. Yes, sir.

Q. How many turns were there at the plant when you were laid off?

A. It would depend upon the amount of work. We had two or three, depending upon the work.

Q. Two or three, you say?

A. Yes.

Q. And those turns were of how long duration?

A. Eight hours.

Q. What time of day and what time of night did they start, and what time did they finish?

A. Eight until four, four until twelve, and twelve until eight.

Q. When you were laid off did you know whether or not any other men working on the same turn that you were working on were laid off at the same time?

A. No, sir; not in the position I held. There were only two men who did that kind of work, and sometimes three.

Q. The inspector's work?

A. Yes.

Q. At that time you were laid off, did you know whether or not any of the chippers who had been working on your work were laid off at the same time?

A. No.

Q. You don't know?

A. No.

Q. You were away how long before you came back?

A. Approximately eight months.

Q. You had talked about a vacation?

A. Yes.

Q. And you said you came back and your job wasn't there?

A. After a week.

Q. A week?

A. Yes, we got a week for five years' service.

Q. You don't know whether any of the other chippers were laid off at the same time you were?

A. No, I don't know.

Q. Had you been active in this recent strike?

A. As I was working, I didn't have much chance.
Q. You have been working the last three months?
A. I was working. And I wish I wasn't working.
Q. Regardless of what you wish, you have been on the job working?
A. Yes.
BY TRIAL EXAMINER LINDSAY:
Q. I understand you to say that you did go back to work on the 9th day of August.
A. I reported back to work.
Q. That was at the end of your week's vacation?
A. Yes.
Q. And it was then that you were discharged?
A. Yes.
Q. So, in effect, you were discharged on August 9th and not August 2d? Is that right?
A. Being that they paid that week of vacation, I suppose I was discharged August 9th. I don't know what effect that would be. But the card at the employment office shows I was discharged August 2d.
Q. Were you ever called in and criticized for poor workmanship when you were working there?
A. No, sir.

TRIAL EXAMINER LINDSAY: That is all.
THE WITNESS: May I have a remark to make?
TRIAL EXAMINER LINDSAY: Yes.
THE WITNESS: After I was in the 1935 strike our foreman, or my foreman, made a statement. He said, "We want to play ball with you. We got a job for you as a checker; but you will have to report the activities of all the men." I said, "Dave you know better than that, that I wouldn't take anything like that. I am a working man. I want to work on the men's side."

BY TRIAL EXAMINER LINDSAY:
Q. Who was Dave?
A. Dave Carnes.

Q. How many days a week are you working over at this other place?

A. It depends upon the work. We have been working five days a week, sometimes four and sometimes three.

Q. Over an average of thirty days, or one month, about how many days would you work? You have been there three months, you say?

A. I work five days a week, and one week I worked a day and a half, but last week it was three days.

Q. Offhand, can you tell me how much money you have earned over there?

A. I cannot; but I can get a note off the company.

Q. Can you furnish that to Mr. Lauter within the next couple of days?

A. I will do that.

TRIAL EXAMINER LINDSAY: That is all.

(Witness excused.)

ROSS SCHWARTZ

a witness called by and on behalf of the National Labor Relations Board, and, having been first duly sworn, testified as follows:

Direct Examination

BY MR. LAUTER:

Q. Please state your full name?

A. Ross Schwartz.

Q. Where do you live?

A. 604 Schwalm Avenue, Northeast.

Q. In Canton?

A. Yes.

Q. Are you an employe of the Republic Steel Corporation?

A. Yes.

Q. When did you start working there?

A. I started working there in 1931, in that plant. It was

under the Daveys at that time.

Q. And did you continue to work for it after Republic Steel Corporation took it over?

A. Yes, sir.

Q. What kind of work have you been doing?

A. I am a heater in the hot mill.

Q. In what mill is that?

A. In the old Canton Tin Plate.

Q. That is the Canton Tin Plate?

A. Yes.

Q. Now a part of Republic?

A. Yes.

Q. Are you a member of the C. I. O.

A. I do.

Q. I say, Mr. Schwartz, are you a member of the C.I.O.?

A. Yes, I am.

Q. When did you join?

A. August, 1936.

Q. Do you know Mr. Jim Davey?

A. I sure do.

Q. Who was he?

A. He was our superintendent at the Canton Tin Plate at one time.

Q. You say you do know Mr. Jim Davey?

A. Yes. He used to be our superintendent at the Canton Tin Plate, but Republic took it over and I think they switched him down to the South End Mill.

Q. Did you have a conversation with Jim Davey in December, 1936?

A. Yes, I did.

Q. State what that conversation was?

MR. DAY: Just a minute, please. Will you fix the time and place?

MR. LAUTER: It was fixed as December, 1936.

MR. DAY: Where?

BY MR. LAUTER:

Q. Where did you have this conversation? Go ahead and tell the conversation and during the course of it tell where it was held.

MR. DAY: Fix where it was held.

TRIAL EXAMINER LINDSAY: Let's not argue about it.

MR. DAY: All right.

THE WITNESS: I was going down town one day, and going out Tuscarawas Street and Young Avenue, Mr. Jim Davey came along in his automobile from towards town and blowed his horn to me to stop. I stopped and he turned his automobile across the street to where I was at, and as he did he opened the door of the car for me to get in. I got inside the car and he started down with me. He said, "Ross, Timken Roller Bearing men are holding a meeting at the German Hall this afternoon, and I would like to have you go and have you get in on it and find out what you can and let me know what you find out." I said I don't know whether I can get in on it.

MR. DAY: I want to object upon the ground it does not relate to anything in the complaint and the charges made here. There is nothing to show it is binding upon the Respondent, or was authorized by Respondent.

TRIAL EXAMINER LINDSAY: The objection is overruled. Let the record show an exception.

THE WITNESS: I went to the meeting. I met one organizer, Sweany, and I explained things to him. He told me to call him after the meeting and tell him how things were going. I did.

The first time I couldn't get him, but the second time I got him at his home.

BY MR. LAUTER:

Q. Whom did you call?

A. Jim Davey, the superintendent at the South End at the present time, I think. The second time I called him I got him and told him.

MR. DAY: May we have the same objection and exception on the same ground to this conversation?

TRIAL EXAMINER LINDSAY: Yes. The objection is overruled. Let the record show an exception.

(Exception noted for Respondent.)

THE WITNESS: He asked me over the telephone was they talking about a sit-down strike. I told him no. They had a big crowd there and they was wanting their charter.

He said, "All right, Ross. You keep in touch with them and let me know what to do."

I said, "All right." Then, probably a month after that, I was over at the Berger Plant putting on cards and trying to get signers. It was along in January, I believe.

Q. Signers for what?

A. The C. I. O. organization.

Q. Proceed, please.

A. Our assistant superintendent, Gene Thomas, drove around there and seen us putting out these cards and trying to get signers. Some time after that I met Mr. Jim Davey in the Canton Tin Plate Restaurant, and I said to him—

MR. DAY: I make the same objection on the same ground.

TRIAL EXAMINER LINDSAY: You mean Mr. Davey does not have anything to do with the company?

MR. DAY: I think he had something to do with the company, but I do not think this has anything to do with the charges in the complaint.

TRIAL EXAMINER LINDSAY: The objection is overruled. Let the record show an exception.

(Exception noted for Respondent.)

THE WITNESS: He also told me the day I got out of his automobile on Market Street, "I will keep your nose clean and take care of you."

But when I am in the restaurant, I said, "You are very nearly a stranger." He said, "Yes, but I know everything that is going on."

I said, "Well, I told you the truth, didn't I?" And he came over and patted me on the back and said, "Ross, get away from it."

And I figured that he meant the C. I. O. when he talked to me like that.

BY TRIAL EXAMINER LINDSAY:

Q. You are talking about Jim Davey?

A. Yes.

After the strike was called Mr. Gene Thomas, the assistant superintendent, told me the plant would never start up again.

MR. LAUTER: That is all.

MR. DAY: That is all.

BY TRIAL EXAMINER LINDSAY:

Q. Are you working at the plant?

A. Not at the present time. I have not been since the strike was called.

TRIAL EXAMINER LINDSAY: That is all.

(Witness excused.)

KENNETH POORMAN

a witness called by and on behalf of the National Labor Relations Board, and, having been first duly sworn, testified as follows:

Direct Examination

BY MR. HOSKINS:

Q. Please state your name.

A. Kenneth Poorman.

Q. Where do you live?
A. 1704 Harrisburg Road, Northeast.
Q. Is that in Canton, Ohio?
A. Yes.
Q. Are you married?
A. Yes.
Q. Do you have any children?
A. Two.
Q. Have you ever worked for the Republic Steel Corporation or any of its subsidiaries?
A. Yes, sir; I have.
Q. When did you start to work for them?
A. 1932.
Q. Who was it you worked for, then?
A. How is that?
Q. Who was it you worked for, then?
A. The Davey brothers at the Canton Tin Plate.
Q. What was your job at that time?
A. Catcher helper.
Q. How long did you remain at the Canton Tin Plate?
A. Approximately five years, or a little better.
Q. In others words, you were there after the Republic Steel Corporation acquired it?
A. I was.
Q. Do you belong to the C. I. O.?
A. I do.
Q. When did you join the C. I. O.?
A. December 14, 1936.
Q. Did you tell the company about the fact at the time you had joined the C. I. O.?
A. I did not.
Q. When did the company or its representatives find out that you were a C. I. O. man?
A. We had occasion to go over in front of the Berger gates to try to sign up new members for our union in January. That was the forepart of January.

Q. That was January, 1937?

A. Yes. And while we were in the act of signing up members, Gene Thomas, the assistant superintendent, was driving around watching us.

Q. Why was it you kept secret from the company, or attempted to keep secret from them the fact that you were a member of the C. I. O.?

MR. DAY: Objected to as immaterial and irrelevant.

TRIAL EXAMINER LINDSAY: The objection is overruled. Let the record show an exception.

(Exception noted for respondent.)

BY MR. HOSKINS:

Q. What is the answer?

A. I had no reason whatever to withhold it or keep it a secret myself, but being as everybody else did it I just naturally did it, too.

Q. After you became a member of the C. I. O., did you do any active organization work, or did you accompany anybody when they did any organization work?

A. I did.

Q. Who was that?

A. Guy L. Sweany.

Q. You would accompany Mr. Sweany as he would go around to see men about joining the C. I. O.?

A. Yes.

Q. Ordinarily, did you call on foremen or just ordinary working men?

A. Ordinary working men.

Q. Did you have occasion to call on any of the foremen?

A. Once.

Q. When was that?

A. That was around January.

Q. January of 1937?

A. Yes.

Q. Do you know his name?

A. Thomas Pastorius.

Q. Where did you call on him? Was it at his home or down at the plant?

A. At his home.

Q. What did Mr. Pastorius say when you suggested to him that he might join the C. I. O.?

MR. DAY: I object to that upon the ground there is no evidence connecting the Respondent with it, or that it was within the knowledge of the Respondent, or any authority from the Respondent.

TRIAL EXAMINER LINDSAY: The objection is overruled. Let the record show an exception.

You may proceed with the examination of the witness.

(Exception noted for Respondent.)

THE WITNESS: Mr. Pastorius at that time stated that he could not join a union because he was a boss. He said he had orders to quash any union talk that might arise in his department.

BY MR. HOSKINS:

Q. While you were working, do you remember of any meeting to which you were called in the plant at which unionism was discussed?

A. I recall one meeting that was held in October, 1936. It was called a safety meeting. First, they started out discussing the new insurance plan.

Q. Who started out discussing that?

A. James Davey.

Q. Who is James Davey?

A. At that time he was superintendent of the Canton Tin Plate.

Q. How many men were at this meeting?

A. There were approximately 150 to 200 men.

Q. Did that include all of the men who were working at the time, or only part of them?

A. Yes, all of the men on the turn.

Q. Will you continue on with what Mr. Davey had to say?

A. Mr. Davey said "This is an old and obsolete mill. The Warren mill is of a newer type."

He stated further that if we were to keep out of labor trouble— He said, "There are certain types of iron that had to be made in this type of mill," meaning the older type of mill. He said, "If we stay out of labor troubles this can be the mill to operate."

Q. Did he amplify what he meant by labor trouble?

A. Well, he stated that he knew there was an organizer in the mill and that he would not raise his finger to do anything against this organizer. But he said if we insisted in getting ourselves into a bunch of outside labor trouble that he would resign and leave the mill.

Q. You just stated he said if you insisted upon getting into labor trouble he would resign and leave the mill?

A. Yes.

Q. As a matter of fact, did he leave that particular mill?

A. Yes.

Q. Where is he located now?

A. Superintendent in the South Division.

Q. Since the first of the year, or the latter part of last year, have you worked steadily? By that, I mean five days a week, or six days a week, or whatever you were accustomed to work?

A. Since what time?

Q. We will fix the time as the latter part of last year.

A. From around December our work has been poor.

Q. What do you mean by "our work has been poor"?

A. We have worked three or four days, and then we would have a week off occasionally, and it was climaxed on May 5th by a two weeks lay-off. At the end of this

lay-off I went back to work for six and six and a half hours, and then I came out on strike.

Q. That was on May 25th?

A. Yes.

Q. Prior to this period to which you just referred, you had been in this mill for 5 years?

A. I had.

Q. Was it customary for the men to be laid off three or four days a week at a time like that?

A. It was not except for one year during the depression when the banks failed. It was for that year.

Q. Other than that year had you worked steadily for each week?

A. We had.

Q. At the time of this two weeks' lay-off that you mentioned, commencing May 5, 1937, to your knowledge were most of the men in your department members of the C. I. O.?

A. From my estimation I would say there were 75 to 80 percent organized.

Q. Seventy-five to eighty percent of the men you worked with were members of the C. I. O.?

A. That is right.

Q. Do you think of any other occasion prior to the time of the strike wherein unionism was mentioned to you by any of your superiors down there?

A. Yes. It was either in the latter part of April or the forepart of May that I happened to pick up a little booklet lying on a pile of iron. I cannot recall the name of the booklet outside of the fact that on the back page of the book, or the cover of the book, it had "Ten thousand dollars reward for any statement found in this book to be untrue," or something to that effect.

Q. You say this booklet was lying on a pile of iron?

A. Yes.

Q. Do you mean in the mill?

A. Yes.

Q. And you picked it up when? Was it while you were working?

A. During my spell.

Q. What do you mean by that?

A. In the mill a helper takes 20 minutes and another man takes 25 minutes. They help each other out.

Q. And it was during this spell you picked it up?

A. Yes.

Q. Go ahead, please.

A. So I sat down on one of the benches in the shear department and was reading it. Mr. Gene Thomas came up behind me and said, "Well, I see you are trying to broaden your views." I said, "Yes. It is a good thing to look at both sides."

Q. You say Gene Thomas came up behind you?

A. Yes.

Q. Who is Gene Thomas?

A. The assistant superintendent.

Q. Did you know Mr. Thomas very well at that time?

A. I did.

Q. How long had you known him?

A. Ever since I had worked there.

Q. Were you on what you might call friendly terms?

A. Yes.

Q. Did you call each other by your first names?

A. I always called him Gene, and he called me Kenneth.

Q. You were saying what he said to you?

A. I said, "Yes, it is a good thing to get both sides of the story."

So he patted me on the back and says, "Well, go to it."

In the meantime in between heats I finally finished reading the booklet. After I had finished reading the booklet I was standing waiting for my part to come around again and Thomas came up to me again and asked me what

I thought about it. I said, "Well, it is just like religion to me. You hear a preacher talk and he can make you believe in his religion. You can hear a priest talk and he will make you believe his religion is the right one. To me it is so much bunk. When you believe in something with all your heart you are not so apt to be changed by reading or hearing somebody else besides the story."

And he said, "Well, I hope you are right." And he walked away from me; and from that time on he was distant. He never spoke to me as he usually had.

MR. HOSKINS: That is all.

MR. DAY: No questions.

(Witness excused.)

PHILIP CAMERON

a witness called by and on behalf of the National Labor Relations Board, and, having been first duly sworn, testified as follows:

Direct Examination

BY MR. GROSSMAN:

Q. Please state your name.

A. Philip Cameron.

Q. What is your address?

A. 115 Rex Avenue, Northeast.

Q. You are employed by the Republic Steel Corporation?

A. I am.

Q. How long have you been in the employ of the Republic Steel Corporation?

A. Since August, 1937.

Q. And you worked continuously from then until the time of the strike?

A. About.

Q. Are you a member of the C. I. O.?

A. I was.

Q. Mr. Cameron, do you remember at any time while you were working in the mill being approached by somebody and being asked to join the Employes Representative Association?

A. I do.

Q. Will you state for the record just what transpired at that time?

A. Dan Allen came to me.

Q. Who was he?

A. A representative of the company union.

MR. PONTIUS: We object to describing Dan Allen.

TRIAL EXAMINER LINDSAY: The objection is overruled. Let the record show an exception.

(Exception noted for Respondent.)

THE WITNESS: He came around with a white card with some kind of a union. I don't know the name of it. He asked me if I would sign it.

BY MR. GROSSMAN:

Q. About when was that?

A. That was around about the 15th of April, or along in there some place, just when the first noise of the strike was around there. I told him I did not want to sign it, or wouldn't sign it.

He said, "Do you think the other will get you any more than this?" I said, "I don't know anything about it."

He said, "Cameron, I don't like to report this to the company that you won't sign. You better take this card and think it over," and I did.

He came back in a couple of days to find out what I felt about it. I told him I didn't think any further about it than I did before. "I won't sign it."

Q. And you did not sign it?

A. No.

Q. On the 25th, the day the strike was called, did you go out on strike?

A. No. I was on my way to work. I didn't know the strike was called. I was on my way to work and couldn't get in it.

Q. You were on the turn that was off?

A. I was coming in on the 12 o'clock turn.

Q. Therefore, you did not go in?

A. No.

Q. Thereafter, did you ever seek reinstatement at the mill, or try to get work again?

A. I did. I got in very bad shape and lost my home over it, and I went back and asked Frank Pierce. He is the superintendent of maintenance out there—millwrights, wreckers, locomotives, and railroads in general. When I went in and asked him he said, "Cameron, you belonged to the C. I. O., did you not?" I said, "Yes, I did."

He said, "You was quite active in the shop, wasn't you?" I said, "Only with the men I worked with. I never asked nobody to sign a card, only we talked."

He said, "Those men down there just won't work with you and I can't and won't force them to do it."

Q. Did he say anything to you at that time about the C. I. O. sending people into the mill?

A. Yes. He said, "I imagine the C. I. O. would be glad to have a few of you fellows get in there." I said, "I don't know anything about that. There was nothing said to me. There was nobody said anything about that to me. I need the job, and I want the job. I need the work." That is all I know about it. I don't know nothing about that at all.

Q. Is Mr. Pierce the gentleman who can hire and discharge you if he wants to?

A. In his department we go to George Ake, the man who does the hiring, and he gives you a slip and sends you to Mr. Pierce. If Mr. Pierce signs it you go to work. If not, you do not.

Q. If Mr. Pierce does not like your work—

A. He is the only man can fire you.

Q. After this meeting with Mr. Pierce, did you leave the mill?

A. Yes.

Q. Did you ever return to seek the job again?

A. I returned the second time the following Monday.

Q. What prompted you to return if you had been refused once before?

A. I thought he was only trying to punish me.

Q. Will you tell the Court what happened in that second meeting you had with Mr. Pierce?

A. I went back again and asked him if he would not put me to work. He said, "No. They won't work with you." I said, "Mr. Pierce, I don't ask you to go down where I did work. Give me work. Give me some other job. Put me on labor." He said, "I can't do it. I haven't anything to do with the labor. I can't put you down with the other fellows."

Q. Is that all that happened at that meeting?

A. Yes.

Q. Did you ever again seek reemployment?

A. I went back about a week later.

Q. And whom did you see then?

A. Frank Pierce, again.

Q. What happened then?

A. I walked in and said, "Mr. Pierce, did you get me a job yet?" And he said, "No, I am not looking for any." And he said, "The day after this strike was called, when you did not come back for your work, your job was filled." And I said, "How did this happen; I could not get in through the pickets, and I would not come in."

And he said, "We have not been hiring any new help. We have not needed any." And I said, "Mr. Pierce, somebody is a damn liar, because I have a friend in there, today, that has got the same job that I was on." And he said, "Well, you were not here when we needed you."

Q. That is what he said?

A. Yes.

Q. This friend of yours, was he hired about a week after you were called?

A. Yes.

Q. Did you ever try to see any of his superiors?

A. Yes, sir.

Q. Who?

A. Mr. Richardson.

Q. Who is he?

A. I believe he is the general superintendent, or something.

Q. And did you go to see him?

A. Yes. And he said, "Oh, you are the helper down in No. 35?" And I said, "Yes." And he said, "I will talk to Pierce."

Q. And you never did get back?

A. No.

Q. You never did get back?

A. No, sir.

MR. GROSSMAN: That is all.

MR. DAY: That is all.

(Witness excused.)

MR. HOSKINS: I will call Sammy Stokes.

SAMMY STOKES

a witness called by and on behalf of the National Labor Relations Board, and, having been first duly sworn, testified as follows:

Direct Examination

BY MR. HOSKINS:

Q. Please state your name?

A. Sammy Stokes.

Q. Where do you live?

A. 1311½ West Tuscarawas Street, Canton.
Q. Have you ever worked for the Republic Steel?
A. I have.
Q. When did you start to work for them?
A. June, 1933.
Q. What were you hired as?
A. As a grinder.
Q. How long did you work with them?
A. Up until the time of the strike.
Q. Are you a member of the C. I. O.?
A. I am.
Q. When did you join the C. I. O.?
A. November, 1936.
Q. And were you an active member of the C. I. O.?
A. Not at the present time. I became active about March, 1937.
Q. You say "Not at the present time"; do you mean at the time you joined?
A. Yes,—not at the time I joined.
Q. Did the company learn that you were a C. I. O. man?
A. They did.
Q. When was it they first found that out?
A. They first found that out the latter part of April.
Q. 1937?
A. Yes.
Q. Were you accustomed to wearing your C. I. O. button around the mill?
A. Yes, sir.
Q. When did you start to work out there?
A. In May, 1937.
Q. Did any of your superiors notice that button on you?
A. Yes.
Q. Who?
A. Well, the superintendent, Mr. Hopkins—he come down while I was working and asked to look at it, and the

other foreman, Bill Hurley, and Joe Gentry, my foreman, they looked at it.

Q. Did any of them make any comment about it?

A. They said they had never seen any such button before.

Q. While you were on duty, did you attend any meetings at which the union was discussed?

A. Yes.

Q. When?

A. On the first or second of May we were supposed to meet in the main office.

Q. How were you notified of this meeting?

A. They brought a sign down and pasted it on the bulletin board.

Q. How did that sign read?

A. "No work for the grinders tomorrow morning; a meeting in the main office."

Q. And was this notice signed by anybody?

A. Yes, sir; by Ed Hopkins.

Q. And you have just stated that he was superintendent there?

A. Yes.

Q. Did you go to this meeting?

A. Yes, sir; I did.

Q. Will you tell us what happened there?

A. Well, the meeting was supposed to be held in the main office.

Q. Before you continue with that, let me ask you this: Was this meeting called for the grinders or for all the employees?

A. I was told by the foreman, George Snarley, that this meeting was for all the employees who wanted to come, but it was really held for only the 12-inch mill.

Q. All right.

A. I learned that they had changed the place of the meeting, down into the 12-inch mill.

Q. Did you learn why?

A. There were too many men there who had their buttons on, so that the representatives decided to hold it down in the 12-inch mill.

Q. Why—did you learn why they did that?

A. George Snarley told me that there were too many C. I. O. men there.

Q. All right, go on.

A. And so I went down to the main entrance of the gate, and George Snarley was standing there with the fellows, and I had my button on, and he said, "All right, Sammy; come on in," and he told me why they had moved it.

Q. You say they moved it because, as you learned, there were too many men wearing buttons?

A. Yes.

Q. What was the effect of changing it to the 12-inch mill?

A. That was to keep the men out that did not wear the buttons.

Q. How would they keep them out?

A. George Snarley would identify them as they came up to the gate, and if they did not wear the button the company police would keep them out.

Q. All right.

A. And so I went down to the 12-inch mill, and William Dunn, an old company representative—

MR. DAY: Who is that?

THE WITNESS: William Dunn.

He began to make his speech. He got up on a pile of steel in the 12-inch mill, and he says, "Well, I am going to present this union plan to all of the fellows." And he wanted us to sign up for it, and there was a lot of fellows there from Seattle, and we all objected to it, and a fellow by the name of Eugene Williams got up on a pile of steel and told us about what this company union would mean, and I asked to speak—

BY MR. HOSKINS:

Q. Just a minute. Who was this Eugene Williams?

A. He was the company's "stool," a fellow who would go around and get all he could and then go and tell it to the company.

Q. What was he?

A. He was a chipper.

Q. How many men were at this company meeting?

A. About seventy-five.

Q. How many men worked in the 12-inch mill, to the best of your recollection?

A. About six hundred.

Q. All right—you were testifying that you asked permission to speak.

A. Yes.

Q. And did you get permission to speak?

A. Yes, I got up on the stand and started to defend the C. I. O., but somebody wanted to draw a knife on me, and I did not have a chance to say very much.

Q. How long did you stay at the meeting?

A. About 3 hours.

Q. Did all of those 75 men remain that whole time?

A. No, sir.

Q. How many of them were there when you left?

A. About 25 men.

Q. Did you have any other meetings that were held in that mill, or in that office?

A. Yes; we had a meeting in the mill, in the 35-inch mill.

Q. When was that?

A. That was after the meeting in the 12-inch mill.

Q. How long after?

A. The following Thursday.

Q. What time of the day was this meeting held?

A. About 1 o'clock.

Q. Did you know that meeting was going to be held?

A. Well, they just sent some fellow down from the

chipper bed, and told all the foremen, and chippers, that there was going to be a meeting in the middle of the building, and so everybody quit work and went up to the meeting.

Q. About how many men were at this meeting?

A. Oh, about 300.

Q. About 300?

A. Yes.

Q. Who spoke at this meeting, Mr. Stokes?

A. William Dunn.

Q. What did he have to say?

A. Oh, he just got up on the transfer, and said he was calling this meeting to explain this union plan to them, and he told the fellows that the company was expecting a strike, and he wanted them all to sign a paper that they will work, and those that would sign the paper, when caught, on the outside, when the strike was called, that they should meet at the public square, and they would prepare a way for them to go into the mill; and so he said, "I am going to pass out these blank pieces of paper, and I want you to sign them." And the meeting was over—nobody said anything.

Q. Do I understand they passed out blank pieces of paper at this meeting and wanted the men to sign them?

A. Yes.

Q. Now, at this meeting, the foremen and the men attended?

A. Yes.

Q. Did the foremen attend?

A. Yes.

Q. Which one?

A. Joe Gentry.

Q. Who is he?

A. He is my foreman.

Q. Who else?

A. Bill Hurley.

Q. Is he a foreman?

A. Yes.

Q. And do you know any others?

A No, but the chipper boss was there.

Q. And how long did that meeting last?

A. About 15 or 20 minutes.

Q. And, the following day, were you docked for this meeting?

A. No, sir.

Q. You were paid for the time it took for you to attend it?

A. Yes, sir.

Q. Did you have any conversation in the mill with anyone concerning the union?

A. Well, they would come down and have a meeting, and tell us about these representative plans.

Q. Did anyone approach you personally a.. talk to you about a meeting?

A. Sure; I think it was the day before the strike.

Q. When was the strike?

A. On the 25th of May.

Q. In other words, this conversation you are going to tell us about was on the 24th of May?

A. Yes.

Q. Who came down to talk to you?

A. This Gene Williams.

Q. What time of the day was it?

A. Right after dinner.

Q. Were you working at the time?

A. Yes.

Q. Can you please tell us what he had to say?

MR. DAY: I object to that.

TRIAL EXAMINER LINDSAY: The objection is overruled. Let the record show an exception.

(Exception noted for Respondent.)

THE WITNESS: Well, he come down and he said, "I want to talk to you about this union plan of ours." And I said, "I do not have time; I have to

work." And I had some special steel in the bed that I was supposed to get out. And he said, "Oh, to hell with the work; I came down here to talk to you."

BY MR. HOPKINS:

Q. Did your foreman see him approach?

A. Yes.

Q. Did anyone else see him?

A. Yes.

Q. Who?

A. Mr. Hopkins saw him.

I did not want to talk to him because I figured they wanted to get rid of me, anyhow. And so I just stopped work, and he started telling me about this union plan, and what the company thought the men should do. And I started to tell him about the C. I. O. And he said, "I am an old man. I know all about that." He said that the C. I. O. did not mean the colored man any good. He says, "You remember what the A. F. of L. got." And I tried to defend the A. F. of L. and the C. I. O., and told him what I thought about it, and so we finally got through talking, and he went back up.

Q. And you knew that your foreman stood there—how long did this man stay at your machine, talking to you?

A. About an hour and a half.

Q. And you stated that Mr. Hopkins came out of his office and stood there watching—how long did he stay there?

A. Just as long as Williams did.

Q. After he went back did you go back to work?

A. Well, I started to work, and, here comes Williams down again. I thought it was going to be that they would make a speech to me, and he said, "I come down to talk to you." And I said, "I have got to get to work." And he said, "Oh, to hell with the work. I come down to talk with you."

And he started talking about this union plan, and he said that he believed in a real union, and he said: "The C. I. O. is not right." And he said, "What is the use of paying your dues out, $1.50 a month, to some outsider when you can have a union of your own, here in the mill?"

And he said, "I want you to get all the men together, and we will have a meeting." And I said, "What makes you think I could do that?" And he says, "You have got a lot of influence over the men and you know you have." And I said, "No, I do not know that." And he said, "You get your men together, and I don't care what you call it, but we will have a meeting about the union, and we will not present the C. I. O. Plan, but just this Union Plan of ours." And I said, "I can't get them together on that basis. There is no way to get them together unless I let them come on the C. I. O."

We talked about it for a while, and he said, "If we call the meeting I will agree to the C. I. O. being discussed, and if the majority wants this Union Plan of ours we will all join up and sign up on it, but if the majority wants the C. I. O. we will all go down there and sign up for the C. I. O."

And it was getting late, and some of the fellows were coming in for the late turn, and one fellow stopped and said—

MR. DAY: Who is this man?

THE WITNESS: Waverly Davis.

MR. DAY: I object to that testimony.

TRIAL EXAMINER LINDSAY: Was he employed there?

THE WITNESS: Yes.

TRIAL EXAMINER LINDSAY: I will overrule the objection and let the record show an exception.

(Exception noted for respondent.)

THE WITNESS: And so he said, "No, the company does not like the C. I. O."

And I said, "No, that is not right." And about that time the whistle blowed, and I walked away.

BY MR. HOSKINS:

Q. While William Dunn was speaking, did Superintendent Hopkins still remain out in the mill?

A. Yes.

Q. Was it a customary practice of theirs to watch the men?

A. Yes, sir.

Q. Had you ever seen them do it before?

A. No, sir.

Q. Were you docked for that time?

A. No, sir; I was paid for that time.

Q. Have you ever been reported for violation of company rules?

A. I have.

Q. When was the first time you were reported?

A. It must have been about the latter part of 1933 or the first part of 1934.

Q. And was that a serious violation?

A. No. I quit a little early and went out to the wash house and took a shower. I had to go in to see Mr. Hopkins, and we had a little argument about it, and he finally agreed that I could go out every evening and wash up.

Q. Was that the only time you were reported?

A. No, sir.

Q. When was the first time you were reported?

A. Well, along in the first part of April there was a disagreement. Mr. Hopkins wanted to lay off some grinders, and we objected, and all 35 men went up to the office, and he said he would not do anything about it, and I told him he would, and, so, he finally agreed to meet all the men down at the shanty, a place where we keep all the grinders, and he finally said he would not lay any of the men off until we had a meeting, and after that I was watched and reported for everything I did. If I went out to the wash

house for more than 5 minutes I was reported, and my foreman told me about it, and it did not make any difference—you cannot stop a man from talking.

Q. And for how long a period, a day, was it that you were reported?

A. Well, if I went outside I was reported.

Q. Has your foreman ever said that he liked your work?

A. He told me I was a good worker, that I did twice as much as any other worker.

Q. Did Mr. Dunn explain to you how this other union would operate?

A. Yes, we went into all of that. He told me they wanted a separate union for each department.

Q. How many departments are there down there?

A. About 43 departments, or unions.

Q. There are 43 departments, and that meant a separate union in each department?

MR. DAY: Was this in the meeting, or a separate conversation?

THE WITNESS: In the meeting.

BY MR. HOSKINS:

Q. Would these separate unions have any relationship to each other?

MR. DAY: I object to that, as leading.

TRIAL EXAMINER LINDSAY: Yes, that is leading.

BY MR. HOSKINS:

Q. Well, if you will tell us the rest of the plan of organization, as Mr. Dunn gave it to you?

A. Well, he said we would have a union, in the 35-inch plant, in the blooming mill, the 12-inch mill, and the plate mill, and the open hearth, and in fact all the departments could have separate unions, and once a month we would meet in a mass session, and go over and explain what we wanted in these different departments and unions.

Q. Now, I believe you testified that you were working on the day the strike was called?

A. Yes.

Q. Have you been back to the mill to try to get your job since then?

A. No, I have not.

Q. Have you been contacted since, about going back to work?

A. Yes.

Q. By whom?

A. By Garcia Epps.

Q. Will you spell that?

A. G-a-r-c-i-a E-p-p-s.

Q. Is Garcia Epps working there now?

A. Yes.

MR. DAY: I make the same objection, with reference to this testimony.

TRIAL EXAMINER LINDSAY: What does that man do?

THE WITNESS: He is a grinder.

TRIAL EXAMINER LINDSAY: And he works at the plant?

THE WITNESS: Yes.

TRIAL EXAMINER LINDSAY: The objection is overruled and let the record show an exception.

(Exception noted for respondent.)

BY MR. HOSKINS:

Q. Now, go on.

A. Well, he told me, "Mr. Hopkins wants you to come back to work." And I said, "The strike is still on, and until it is settled up I won't go back." And he said, "Well, if you want your job, you know what to do."

Q. Have you been contacted by anybody else?

A. Yes.

Q. By whom?

A. Andy Bodizar.

Q. Spell that.

A. A-n-d-y B-o-d-i-z-a-r.

Q. What did he have to say to you?

A. He said, "I went back to the mill and started to work," and I said, "You did?" And he said, "Yes, they do not have many men there and Hopkins told me that if I saw any of the men outside that did not carry clubs and sticks, to tell them to come back, all but one man, and that is Sammy Stokes."

MR. HOSKINS: That is all.

Cross Examination

BY MR. PONTIUS:

Q. You were carrying clubs and sticks, were you not?

A. No.

Q. You went out on strike?

A. Yes.

Q. There was quite a good deal of effort there among the men in that plant to keep the other men from going out on a strike?

A. I would say so.

Q. What?

A. I would say so.

Q. And these conversations you have related, just before the strike took place, related to that fact, did they not?

A. To what fact?

Q. The fact that they did not want you to go out on strike?

A. They did not want us to be in the C. I. O.

Q. They did not want you to go out on strike; isn't that so?

A. They said they were expecting a strike.

Q. And you were expecting a strike, too?

A. No—how was I to expect a strike?

Q. Were not these talks with you to keep you from having a strike?

A. It was to keep me from organizing these fellows.

Q. But you were not an organizer, were you?

A. No.

Q. But they were afraid that you might organize them?

A. Yes, they was afraid.

Q. This conversation, on the 24th of May, you say that Mr. Hopkins stood there and watched you for how long a time?

A. About 3 hours.

Q. How far away from you?

A. Oh, about 100 feet.

Q. And about 3 hours?

A. Yes, sir.

Q. And watched you and another colored gentleman talking there?

A. Yes, for an hour and a half.

Q. And you say he was watching you?

A. Yes.

Q. Did you say anything to him about it?

A. No, why should I?

Q. Did you?

A. No.

Q. You did not go and talk to him?

A. No.

Q. Who was this other gentleman you were talking to, besides this colored gentleman?

A. William Dunn.

Q. He is a white man?

A. Yes.

Q. And he talked to you for about an hour and a half?

A. Yes.

Q. And then it was time to quit?

A. Well, the whistle was blowing.

Q. And you quit?

A. Yes—I did not get paid for overtime.

Q. What position does this Dunn hold there?
A. Well, he is a company representative.
Q. What do you mean by that?
A. He was elected as a company representative.
Q. That is, as a representative of the men that voted?
A. Employes' Representative.
Q. That is right?
A. Yes, the same as a company representative.
Q. The same?
A. Yes, because they put him in power, he must have been.
Q. That is your conclusion?
A. Sure.
Q. Did you attend that election, or vote at it?
A. I don't think I voted.
Q. When was the election had, at which Mr. Dunn was elected representative?
A. That election was held, I think, in June or July, 1936.
Q. Yes, sir—and you worked there from June of 1933 on, did you not?
A. Yes.
Q. And you knew that the men in that shop had a representative?
A. Yes, because I was alternate representative.
Q. Yes—and you voted at those elections before 1936, did you not?
A. Yes, I did.
Q. And in 1934 and in 1935 you voted?
A. Yes.
Q. That was a body of the men in the shop, was it not?
A. Sure, it was.
Q. Did you ever get one of these booklets that is in evidence here?
A. What booklet?
Q. About the representative plan.

A. I do not know which one you are talking about.

Q. Did you ever see a booklet about that organization?

A. Yes.

Q. And you read it?

A. I don't know if I read it.

Q. But you were an alternate?

A. Yes.

Q. What year were you elected?

A. I was not elected—I was an alternate.

Q. Were you not elected?

A. No, I was an alternate.

Q. But, I say, they put up 12 men and elected six, did they not?

A. No, they elected four out of my department.

Q. And you were chosen as one of the alternates—that worked pretty good, didn't it?

A. No.

Q. Did not work good at all?

A. No.

Q. What was wrong with it?

A. There was always some misunderstanding about it, some complaint.

Q. Who was president of the organization?

A. I don't know.

Q. Did you not have any meetings?

A. I did not attend any.

Q. Were the meetings called, to your knowledge?

A. There were meetings called, but I was not supposed to go, anyhow.

Q. Why not?

A. Because I was an alternate, and all the other four were the ones who were supposed to go.

Q. Who were the regular men in your department, when you were an alternate?

A. Raymond Switzer, Paul Baum, William Dunn, and George Snurley.

Q. Were any of those colored boys?

A. No—the company did not want them.

Q. Why do you say that?

A. They run the election the way they wanted it.

Q. Didn't they vote?

A. Yes, but they counted the votes.

Q. Did not the men count them?

A. What men?

Q. The representatives in the shop.

A. The men that were chosen representatives one year—

Q. They counted the votes the following year?

A. Yes.

Q. And you claim the elections were not honestly made?

A. No—

Q. Why?

A. Because we went over there and they were counting them about five times to see if they should make it come out all right.

Q. And the results were posted?

A. Afterwards but there was only one vote between him and Johnson. There was something screwy about that, but they would not even re-count them.

Q. You joined the C. I. O. when?

A. In November.

Q. When was it that you had your button on?

A. In May.

Q. May of this year?

A. Yes, sir.

Q. And you wear your button while you are at work, or you did?

A. Yes, sir.

Q. And you conclude that because you were seen

there with your button that you got the worst of it; is that right?

A. I know I did.

Q. You worked during the strike?

A. Yes, sir; I did, under fear.

Q. If you went outside they had a right to call you down?

A. A fellow does not have any right to go to the lavatory, does he?

Q. You said if you went outside you would be reported?

A. Yes.

Q. By whom?

A. By those stool pigeons—it is full of them there.

Q. Who are some of them ?

A. One was Eugene Williams.

Q. Can you name any more?

A. I would not care to—I do not know any more.

Q. And after the strike came on you went out on the picket line?

A. Yes, sir.

Q. With headquarters at Bandy's Hall?

A. Yes, sir.

Q. And you say you never carried a club?

A. No—never did.

Q. Did you have any weapon of any kind?

A. No.

Q. Did you have a blackjack?

A. No, I wished that I had had one.

Q. Why?

A. I might have had a chance to use one.

Q. On whom—on men called to go to work?

A. (No response.)

Q. Did you have a razor in your pocket?

A. I had a razor to shave with but not to carry around in my pocket.

MR. PONTIUS: That is all.

Redirect Examination

BY MR. HOSKINS:

Q. Mr. Stokes, did you carry a razor with you at any time?

A. No, never.

MR. HOSKINS: That is all.

Recross Examination

BY MR. PONTIUS:

Q. You were a captain on the picket lines, were you not?

A. I was.

Q. And you knew Officer Jones?

A. I did.

Q. And while you were on the picket lines you had some trouble with Jones, did you not?

A. No, I did not have any trouble with him.

Q. He arrested you for resisting an officer, did he not?

A. That is what I was charged with.

TRIAL EXAMINER LINDSAY: Just a minute; was there a conviction here?

MR. PONTIUS: It is still open, as I understand it.

TRIAL EXAMINER LINDSAY: That is an improper question unless there has been a conviction, and I do not want such questions asked. He may be asked if he had trouble with him, and leave the rest alone.

MR. DAY: May we make our offer for the record?

TRIAL EXAMINER LINDSAY: Off the record.

(There was a discussion off the record.)

BY MR. PONTIUS:

Q. You remember that the Common Pleas Court of this county granted an injunction—you remember that, don't you?

A. Yes.

Q. And it was after that injunction was granted that you had trouble with the police officer?

A. It was not; it was on the same day. They were reading that injunction out of the main office.

Q. The same day?

A. Yes, sir.

Q. And after they read it out there?

A. No, sir; they were still in conference.

Q. You mean they went inside to read it?

A. Yes.

Q. Didn't they read it to the men?

A. To the men?

Q. To the men on the picket line.

A. Why, they don't think enough of a picket.

Q. Didn't they read it to you?

A. No.

Q. They went inside of the office?

A. Yes, because I let them in; I was picket captain.

Q. And you let them in?

A. Yes, they always drove up.

Q. At any rate, something happened there—

TRIAL EXAMINER LINDSAY: Just a minute, Judge.

MR. PONTIUS: I beg your pardon.

BY MR. PONTIUS:

Q. What happened on that occasion?

A. They was over at the office reading.

Q. Who?

A. Mayor Secomb and Sheriff Nist, and a couple of

National Guard officials, and T. K. Harris, a representative of the Law and Order League.

Q. What happened, if anything, between you and the policemen?

A. Well, Jones was friendly to me, and so I was standing out there, and I seen him coming out, and I said, "What's the matter, did the cruiser car leave you, Jones?" And he said, "Yes," and he kept on walking, and there was some fellow behind some bushes, and he started pulling him out from behind those bushes, and he come down over the road and, by me being captain, I says, "What are you taking him in for, Jones?" And he said, "He had a slingshot, and you see it (indicating)?" And I said, "Yes." And I walked across Eighth Street, and I said, "Give me the slingshot." And he did, and I handed it back to the fellow. And he walked over and took this fellow over and then he come back after me and he said, "I am supposed to arrest you, too, Stokes."

And I said, "For what?" And he said, "I don't know —that is orders." And I went over and Captain Goshon was there, and I said, "What are you arresting me for?" And he said, "I don't know; when I get orders I have got to follow them." And I said, "I guess you are going to take me up," and he said "Yes."

And I said, "I wish they would hurry and get the patrol wagon here, I have never rode in one before."

And so they took me to the desk, and charged me with interfering with an officer.

Q. And that is all there was to it?

A. Yes.

MR. PONTIUS: That is all.

MR. HOSKINS: Mr. Trial Examiner, for the purpose of the record, I would like to move that all of the testimony just taken in connection with the arrest of this witness be stricken from the record.

TRIAL EXAMINER LINDSAY: Yes, that was my ruling to you on that.

MR. PONTIUS: We note an exception.

TRIAL EXAMINER LINDSAY: Yes.

(Exception noted for respondent.)

MR. HOSKINS: That is all.

(Witness excused.)

TRIAL EXAMINER LINDSAY: I think we will adjourn until tomorrow morning at 9:30.

MR. LAUTER: May I request, once more, whether or not the representative of the Fidelity & Casualty Company is here, and if he is I would like to see him as soon as we adjourn; and may I have the same announcement with regard to the witnesses?

TRIAL EXAMINER LINDSAY: Yes; any witness who has been subpoenaed, and who has not taken the witness stand, or who has taken the witness stand, but has not been released, is still under the order of the court and must be here.

(Whereupon, at 4:20 o'clock p.m., August 10, 1937, the hearing was adjourned until August 11, 1937, at 9:30 o'clock a. m.)

Courtroom No. 1, Stark County Courthouse, Canton, Ohio,
Wednesday, August 11, 1937

The above-entitled matter came on for hearing, pursuant to adjournment, at 9:30 o'clock a. m.

Before:

John T. Lindsay, Trial Examiner.

Appearances:

Mark Lauter, Esq., Lawrence Hunt. Esq., Oscar Grossman, Esq., and Joseph A. Hoskins, Esq., appearing for the

National Labor Relations Board.

H. C. Pontius, Esq., of the firm of Messrs. Lynch, Day, Pontius & Lynch (Canton, Ohio), and Luther Day, Esq., and Thomas F. Veach, Esq., of the firm of Messrs. Day, Young & Veach (1420 Union Trust Building, Cleveland, Ohio), appearing for the Respondent, the Republic Steel Corporation.

PROCEEDINGS

TRIAL EXAMINER LINDSAY: The hearing is now called to order.

MR. HUNT: I should like to recall Sabri Shaban.

SABRI SHABAN

was thereupon recalled as a witness for and on behalf of the National Labor Relations Board, and, having been previously sworn, testified further as follows:

Direct Examination

BY MR. HUNT:

Q. Your name is Sabri Shaban?

A. Yes, sir.

Q. After you were discharged from the Republic Steel Corporation, as you testified, did you work any place else?

A. No.

Q. Did you work at all since the time you left Republic Steel Corporation?

A. No, no place.

Q. Didn't you testify yesterday that you worked for a few days at the Canton Culvert Company?

A. I worked four days 1½ hour.

Q. How much were you paid for that time?

A. Fifty-nine cents an hour.

Q. Did you receive a check for the total amount that you were paid?

A. About $25.

Q. You received a check for $25?

A. Yes.

Q. Have you worked anywhere else?

A. No.

Q. That is the only place you have worked?

A. Yes.

Q. That is the only pay that you have received for work since you left the Republic Steel?

A. Yes, sir.

Q. How much did you receive at Republic Steel while you were working there? How much did you receive an hour at Republic Steel?

A. Do you mean pay?

Q. Yes; how much pay did you receive per hour?

A. Fifty-nine cents.

Q. At Republic Steel?

A. Yes.

Q. It was 59 cents an hour?

A. Yes.

Q. How many hours did you work?

A. Thirty-three and a half.

Q. Thirty-three and a half hours a week?

A. I work four days and one hour and a half, 33½ hours.

Q. But that was at the Canton Culvert Company?

A. Yes.

Q. Before that, with the Republic Steel Corporation, how much did you earn?

A. Before that I was no place.

Q. I mean with the Republic Steel Corporation before you were discharged?

A. I wasn't no place.

BY TRIAL EXAMINER LINDSAY:

Q. You did work for the Republic Steel Corporation; isn't that right?

A. Yes, sir.

Q. That is what he means. How much an hour did you make while you were working up there at Republic Steel?

A. Before this last time, you mean?

Q. From the time you went to work in October until April. As I remember your testimony yesterday, you went back to work in October, 1936.

A. Yes.

Q. And worked until April, 1937?

A. Yes.

Q. That is right, isn't it?

A. Yes, sir.

Q. While you were working at Republic Steel, from October, 1936, to April, 1937, how much an hour did you make?

A. Fifty-one cents an hour. And the last pay I got 62 cents an hour.

Q. Sixty-two cents an hour was the pay you were receiving when you left there?

A. Yes, sir.

Q. How did it happen that you got an increase from 51 cents an hour to 62 cents an hour?

A. They raised it.

Q. They raised your pay for you?

A. Yes.

Q. When did you get your last raise in pay?

A. I don't know when it was.

Q. About when was it?

A. Right after the New Year, I think.

Q. Right after the first of the year 1937?

A. Yes.

Q. Probably in January or February?

A. February.

Q. The complete raise from fifty cents and something an hour to sixty cents and something an hour was all at one time, was it?

A. No, it was about three times.

Q. You received three different raises?

A. Yes.

Q. Between the first of January, 1937, and April?

A. The first raise was in 1936.

Q. The first raise, you say, was in 1936?

A. Yes.

Q. And you got two raises in 1937? Is that right?

A. Yes.

TRIAL EXAMINER LINDSAY: Does that cover what you are getting at, Mr. Hunt?

MR. HUNT: I think I might ask how many hours he worked and what his average was.

TRIAL EXAMINER LINDSAY: Just take it slowly with him.

BY MR. HUNT:

Q. How many hours a day did you work?

A. Eight hours.

Q. Eight hours a day?

A. Yes.

Q. How many days a week?

A. Sometimes five, sometimes six, sometimes four, sometimes three.

Q. You don't remember how many? Sometimes five, sometimes six days?

A. Yes, sir.

Q. And sometimes less than five days a week?

A. Yes, sir.

MR. HUNT: I am through with the witness.

TRIAL EXAMINER LINDSAY: Are there any questions?

Cross Examination

BY MR. DAY:

Q. The Canton Culvert Company, where you worked for a few days, is a part of the Republic Steel Corporation, isn't it?

A. About four days.

Q. That is a part of Republic Steel Corporation, isn't it?

A. Yes.

MR. DAY: That is all.

MR. HUNT: May it please the Board, it may be necessary to get some records on his work to figure out how much he has actually earned in comparison with previous earnings.

TRIAL EXAMINER LINDSAY: Do you mean while he was at Republic Steel?

MR. HUNT: Yes, because it is obvious from his testimony we cannot find out today.

TRIAL EXAMINER LINDSAY: Mr. Shaban, you are under the order of the Court, until you are released by the attorneys, as they may want to call you again. So, before you leave here, go and talk to Mr. Hunt or Mr. Lauter.

(Witness excused.)

MR. HUNT: I will call Mr. Will Wright back to the stand.

WILL S. WRIGHT

was thereupon recalled as a witness for and on behalf of the National Labor Relations Board, and, having been previously sworn, testified further as follows:

Direct Examination

BY MR. HUNT:

Q. Mr. Wright, have you worked anywhere since you left the Republic Steel Corporation?

A. No, sir; not a day.

Q. And you have earned nothing whatever?

A. No.

MR. HUNT: That is all.

MR. DAY: That is all.

TRIAL EXAMINER LINDSAY: What were you getting per hour when you left the Republic Steel?

THE WITNESS: Well, us chippers were paid rates; some days we were paid 78 cents, some days 80 cents, and some days 90 cents.

TRIAL EXAMINER LINDSAY: The rate was based on the amount of work you did?

THE WITNESS: Yes, sir.

TRIAL EXAMINER LINDSAY: Was that rate increased at any time while you were there?

THE WITNESS: It was increased a little.

TRIAL EXAMINER LINDSAY: Do you know when the last increase was?

THE WITNESS: I do not know the exact date, but it was increased.

TRIAL EXAMINER LINDSAY: Would you know about what month or what year the last increase was?

THE WITNESS: The last increase was in 1937.

TRIAL EXAMINER LINDSAY: In 1937?

THE WITNESS: Yes.

TRIAL EXAMINER LINDSAY: Would you have any idea what month that increase was?

THE WITNESS: No, sir; that has slipped my memory.

TRIAL EXAMINER LINDSAY: Do you think it was in January, 1937, or February?

THE WITNESS: I think it was one of those months.

TRIAL EXAMINER LINDSAY: And when that increase in rates was given, you also got that increase, with the rest of the chippers?

THE WITNESS: Yes, sir.

TRIAL EXAMINER LINDSAY: That is all.

BY MR. HUNT:

Q. How many hours—how many days a week did you work?

A. Some weeks we got three days, sometimes four days or five days, and some weeks six days.

MR. HUNT: That is all.

TRIAL EXAMINER LINDSAY: What was that rate based on, do you know?

THE WITNESS: The rate was based on a kind of tonnage, they say; the average, or something—you know you had to do so much work and you got the rate for that.

TRIAL EXAMINER LINDSAY: Then, you had a work schedule to go by; is that right?

THE WITNESS: Yes.

TRIAL EXAMINER LINDSAY: And who would tell you or inform you about that rate schedule?

THE WITNESS: It would be put on the board. If you worked tomorrow, you would see what your average was for today.

TRIAL EXAMINER LINDSAY: Can you give me some idea of what the company expected for a day's work?

THE WITNESS: No, sir; I cannot.

TRIAL EXAMINER LINDSAY: Can you give me some idea of what that schedule said you had to do?

THE WITNESS: Well, you know, Judge, if you did not do nothing you just got paid that hour rate.

TRIAL EXAMINER LINDSAY: You mean, if

they did not have any work for you to do, they would put you on an hour rate?

THE WITNESS: No; you got so much an hour and so much rate, and if you done so much work they added that to the hour rate.

TRIAL EXAMINER LINDSAY: If you fell below your scheduled work rate, then you would not get that rate, but you would just get the hourly pay?

THE WITNESS: Yes, sir.

TRIAL EXAMINER LINDSAY: I understand, now.

BY MR. HUNT:

Q. In other words, you got a flat rate, plus tonnage?

A. Yes, sir.

TRIAL EXAMINER LINDSAY: What was that "plus tonnage"?

THE WITNESS: That averaged about 67½ cents.

TRIAL EXAMINER LINDSAY: What was that 67½ cents—what did that amount to?

THE WITNESS: A day?

TRIAL EXAMINER LINDSAY: Yes.

THE WITNESS: Well, I am not so hot in figures; it would take me a little time to tell you that.

TRIAL EXAMINER LINDSAY: But, you say that some days you got 70 cents?

THE WITNESS: Yes, sir; and sometimes as high as 91 cents an hour.

TRIAL EXAMINER LINDSAY: That was added on to your hourly pay?

THE WITNESS: Yes, sir.

TRIAL EXAMINER LINDSAY: Now, what would happen if you fell below your work schedule for thirty or forty days?

THE WITNESS: Well, you would get a little jacking up from the office about not working so well.

They would ask you why you did not keep it up.

TRIAL EXAMINER LINDSAY: Were you ever called in and bawled out for not working so well?

THE WITNESS: No, sir; I was working in No. 2 group, and I was called—

TRIAL EXAMINER LINDSAY: You, alone?

THE WITNESS: No, sir.

TRIAL EXAMINER LINDSAY: The whole group?

THE WITNESS: Yes, and he asked us why we was not making as much as the other group, and the boys explained that we had a marker that was a little tight, and he held us back a little back.

TRIAL EXAMINER LINDSAY: That would be the inspector?

THE WITNESS: Yes, and they changed that inspector.

TRIAL EXAMINER LINDSAY: So, they did not blame any one individual in that group?

THE WITNESS: No sir. They have ten men working in the group and what they made, those ten men got paid for it.

TRIAL EXAMINER LINDSAY: Then, as a matter of fact, the blame was on the inspector?

THE WITNESS: Yes, sir.

TRIAL EXAMINER LINDSAY: Were you ever called in for poor workmanship?

THE WITNESS: No, sir; I never was. I worked anywhere they told me, whether it was chipping or piling the floor, or even keeping files. They would ask me preference to keep the files at night, and I would just leave the hammer down, and do that, because I just figured it was always best to do what the boss asked us to do. Of course, the chipper got better rates.

TRIAL EXAMINER LINDSAY: All right, that is all.

(Witness excused.)

MR. HUNT: I will call Michael Ugranovich.

MICHAEL UGRANOVICH

was thereupon recalled as a witness by and on behalf of the National Labor Relations Board, and, having been previously sworn, testified further as follows:

Direct Examination

BY MR. HUNT:

Q. After you left the Republic Steel Corporation, did you work anywhere else?

A. Yes, sir.

Q. Whereabouts did you work?

A. In Pittsburgh.

Q. Whereabouts in Pittsburgh?

A. Thirty-sixth Street.

Q. What was the name of the company you worked for?

A. The American Steel Foundry.

Q. How much did you earn?

A. I did work on the grinder job for about nine days, and made a little more.

Q. How much did you earn on the grinder's job?

A. We were paid 62½ cents, and we made a little bonus.

Q. You earned 62½ cents an hour; that was your flat rate?

A. Yes, but we got a bonus.

Q. And with the bonus you got a little more?

A. Yes.

Q. How many hours a day did you work?

A. Eight.

Q. And you worked nine days?

A. Yes.

Q. And besides the 62½ cents, you got a bonus each day?

A. Yes, it would average $1.40.

Q. $1.40 a day?

A. Yes.

Q. Did you work any after you finished your work as a grinder?

A. I did a labor job, because the company moved the tools out, and so I was getting, every second day, eight-hour work on loading tools to be taken away.

Q. Did you remember—do you remember, now, the total work you were paid as grinder?

A. I got $56 or $57 on the grinder job, and on the first job where I started.

Q. About $56 or $57 for grinding?

A. Yes. After that I got $28, and the last pay I drawed was $26 and something.

Q. You were paid $56 and $57 the first time?

A. Yes.

Q. Was that the check?

A. Yes.

Q. In 1937 you were paid $28?

A. Yes.

Q. That was for these odd jobs you were doing?

A. Where I was laboring. We were paid 62½ cents. And we didn't have no bonus.

Q. You were paid by check $28?

A. Yes.

Q. The third time you received the pay check for $26?

A. Yes. They only take out a dollar for social security. That is all they charge. I have no insurance or anything else.

Q. Were those the only checks which you received for your work from this company in Pittsburgh?

A. That is all I did.

Q. What else have you done? Did you work anywhere else?

A. No.

Q. You have never worked anywhere else?

A. I did some work, but if I go into a different State they ask you "where you come from?" and when you say, "Ohio," there is no job. And that is mostly what you get.

Q. How much were you earning when you left the Republic Steel Corporation, or just before you left the Republic Steel Corporation?

A. I couldn't tell you. We were working some bonus.

Q. Were you paid a flat rate of so much per hour?

A. We did sometimes. I know it was by the hour. It was 52½ cents when I started, and then there was a couple of raises.

Q. When were the raises?

A. It was raised some time last year. It was raised 5 cents. I believe that was this year, 1937.

Q. Do you remember last year when you got a raise?

A. I don't know exactly, you see. I know that we was getting more by the hour, but I don't know exactly what it was.

Q. Do you remember when this second raise was given? Do you remember when you got that?

A. The second raise was five cents.

Q. Do you remember when that was?

A. In January some time. I can't agree, to tell you the truth, as to when it was, but I know it was a five-cent raise.

Q. When you left Republic Steel you were earning 62 cents an hour, you say?

A. No, I don't know, to put it exactly what it was, for the reason that we were working bonus.

Q. But you were paid a flat rate of so much per hour, were you not?

A. Yes.

Q. And then a bonus of so much besides that?

A. Yes. We had so much per hour besides bonus.

Q. How much per hour was it?

A. I couldn't say exactly what it was when I left. I know what I was making by the day, the average. I know what we were making.

Q. What were you making?

A. About $6.73, or close to $7 a day. The highest I did make was $7.41.

Q. That was the flat rate of so much per hour plus your bonus?

A. With the bonus, and everything.

Q. Do you remember how much you were supposed to get per hour?

A. No. I can't agree with that. I can't tell that. I haven't any memory about that.

Q. Did the amount of your bonus vary from day to day, or did it change from day to day?

A. Yes. Sometimes we would get good steel and make it more, and sometimes we would get scrappy steel and it would make it less. That is the way we would work.

Q. Do you remember how many hours a week you worked?

A. Forty hours a week.

Q. Forty hours a week?

A. Yes.

Q. How many hours a day?

A. Eight.

Q. You worked five days a week?

A. Yes.

Q. Steadily with the Republic Steel?

A. Sometimes. We were getting a little slack probably in the summer time and only worked four days, and once in a while, and once in a while five days; but more we were getting five days.

Q. So with the Republic Steel Corporation you averaged five days a week?

A. Yes.

Q. Eight hours a day?

A. Yes.

Cross Examination

BY MR. DAY:

Q. There were a good many days, were there not—

A. That is what I said.

Q. Wait until I finish the question, please.

There were a great many days, especially after pay days, when you did not show up at all, were there not?

MR. LAUTER: I object to that. I don't see that it is material.

MR. DAY: He has testified to that.

MR. HUNT: That question has been raised and answered.

TRIAL EXAMINER LINDSAY: I think, as a matter of [fact] you went into that yesterday quite thoroughly.

MR. DAY: All right.

TRIAL EXAMINER LINDSAY: You may ask him any questions on the days that he did work.

MR. DAY: We have his record, anyway.

MR. HUNT: That is all.

(Witness excused.)

MR. LAUTER: I should like to recall Mr. Victor Arias.

VICTOR ARIAS

was thereupon recalled as a witness by and on behalf of the National Labor Relations Board, and, having been previously sworn, testified further as follows:

Direct Examination

BY MR. LAUTER:

Q. Mr. Arias, since you have been discharged from the Republic Steel Corporation have you been employed?

A. Yes, sir. Yesterday I did not want to reveal the name of the company I worked for, but the Paper Repository made it pretty clear where I was working.

Q. What was the name of the company?

A. York Ice Machine Company.

Q. When did you start working for them?

A. May 24, 1937.

Q. How long have you been employed by them? Was it since then?

A. Yes.

Q. How long did you work in May?

A. One week.

Q. What was your rate of pay?

A. Forty-five cents an hour.

Q. How many hours a day?

A. Eight hours.

Q. How many days a week?

A. Five days.

Q. For one week what was your pay?

A. Eighteen dollars.

Q. How many weeks did you work in May?

A. One.

Q. How many weeks did you work in June?

A. Three.

Q. Three weeks would be $54 for June?

A. Yes.

Q. How many weeks in July did you work?

A. Four weeks.

Q. How much would that be? Would that be $72?

A. Yes.

Q. How many weeks in August did you work?

A. Three days one week and the week we are in, one day.

Q. $10.80 for last week?

A. Yes.

Q. And $3.60 for this week?

A. Yes.

Q. And the total of all the sums you have gotten and have given me now would be the total sums of all that you have earned since you have been discharged from Republic Steel? Is that correct?

A. Yes. There is an additional sum of five or six dollars of bonus that I made.

Q. While working for the York Ice Company you made some five or six dollars bonus?

A. Yes.

Q. If that is added to everything enumerated, that would be your total earnings since you have been discharged?

A. Yes.

Q. While you were at Republic, prior to the time of your discharge, and directly prior to the time of your discharge, how much did you earn?

A. $0.685 an hour.

Q. How many hours a day did you work?

A. Eight.

Q. How many days a week?

A. Five.

Q. Did you work regularly a 40-hour week?

A. I did not work a 40-hour week. They work 36, or whatever they could make, but they made it up during the year by working 48 hours a week.

Q. So your average would be 40 hours a week?

A. Yes. There was an additional bonus that we got also, and it approximately averaged about 90 cents an hour.

MR. LAUTER: I will ask to have the question and answer read.

(The last question and answer were read by the Reporter.)

BY MR. LAUTER:

Q. That does not seem to tie in with the question that I asked. You averaged about 40 hours a week; is that right?

A. Yes.

Q. What was your hourly rate?

A. Eight hours a day.

Q. I mean your hourly rate?

A. Sixty-eight and a half cents.

Q. How much did you earn as a result of having your bonus tacked onto that?

A. Approximately 90 cents an hour.

Q. Approximately 90 cents an hour?

A. In the neighborhood of 90 cents an hour. It went up and down so that you couldn't tell exactly.

Q. But it was in the neighborhood of 90 cents an hour?

A. Yes, sir.

Q. When you worked over the 40-hour week, did you get paid overtime?

A. No.

Q. There was no time and a half for overtime?

A. No.

MR. LAUTER: That is all.

Cross Examination

BY MR. DAY:

Q. You are still working now?

A. Yes.

Q. I understood you to say that yesterday?

A. Yes, sir.

Q. And that is for this York Ice Company?

A. Yes.

MR. DAY: That is all.

BY TRIAL EXAMINER LINDSAY:

Q. Were you subpoenaed by the Government?

A. Yes, sir.

Q. I might call the attention of the witness to the fact that Section 8, subdivision (4), of the National Labor Relations Act, reads as follows:

> "To discharge or otherwise discriminate against any employe because he has filed charges, or given testimony under this Act is a violation of the Wagner Act."

That is all.

(Witness excused.)

MR. GROSSMAN: I would like to call Mr. Frank Cutshall.

FRANK CUTSHALL

a witness called by and on behalf of the National Labor Relations Board, and, having been first duly sworn, testified as follows:

Direct Examination

BY MR. GROSSMAN:

Q. Your name is Frank Cutshall?

A. Yes.

Q. And your address?

A. No. 1446 Struble Avenue.

Q. That is in Canton, Ohio?

A. Yes.

Q. You are employed by the Republic Steel Corporation, are you?

A. Yes.

Q. When did you first enter the employ of the Republic Steel Corporation?

A. March 16, 1934.

Q. And you worked continuously until the period of the strike, did you?

A. Yes.

Q. You are a member of the C. I. O.?

A. Yes.

Q. Do you remember some time early this year being approached within the mill and being asked to join the Employes' Representative Association?

A. Yes, sir.

Q. Will you state for the record what occurred at that time?

A. Mr. Schnerly was an Employes' Representative and a foreman out there.

MR. DAY: We would like to object to this conversation on the ground that there is nothing connecting the Respondent with it. There is no evidence of knowledge or authorization on the part of the Respondent.

TRIAL EXAMINER LINDSAY: The objection is overruled. Let the record show an exception.

(Exception noted for respondent.)

BY MR. GROSSMAN:

Q. Will you please proceed, Mr. Cutshall.

A. He handed me a card and asked me to sign it. I asked him what it was and he said it was for a new union that they were forming.

I asked him where he got the cards, and who furnished the cards, and he told me that the Representatives had thrown in together and had paid for the cards.

I told him as an excuse I did not have time to sign it then, and he said, "You can sign it and bring it in tomorrow."

Q. Did you sign it?

A. I did not.

Q. Do you remember some time after that a series of group meetings being called within the mill?

A. Yes, very frequently the chippers would be called

in in groups of anywhere from four to probably eight or nine at a time.

Q. Who would call in these men?

A. They would be called in by the chipping foreman, or bed foreman, George Johnson.

Q. He is the chipping foreman, is he?

A. Yes.

Q. And he would call these men in?

A. At the request of Mr. Eichelberger, the turn foreman.

Q. They would call these men into these meetings off of these jobs? Is that the idea?

A. Yes.

Q. How many of these men would be called into one group, did you say?

A. There might be four at one time, and again there might be six, and there might be a dozen.

Q. How long would these meetings last?

A. Twenty minutes to a half hour.

Q. When these men came out from these meetings, or returned to their work, did you notice anything unusual about their persons?

A. They had cards occasionally that you could see, and they would show them to you.

Q. What kind of cards were they?

A. Cards that they were dishing out here to sign up for the company union.

Q. Were they the same cards that had been presented to you by Mr. Schnerly some time before?

A. Yes.

Q. Did any of these men ever talk to you about what occurred in these meetings?

A. Yes.

Q. Will you state what they said?

MR. DAY: I would like to know who these men were.

BY MR. GROSSMAN:

Q. Do you know any of the men who came out of these meetings?

A. I know them as men that I worked with, to locate them. I can't tell you their names. Most of them are very hard names to learn.

Q. Will you give us the general trend of conversation as these men came out?

MR. DAY: May we have the same objection to this as to the other questions?

TRIAL EXAMINER LINDSAY: Yes. I shall sustain that objection unless you show where these people worked, and in what plant they worked.

BY MR. GROSSMAN:

Q. Were these men who were coming out of these meetings called away from their work in the Republic Steel mill where you were working?

A. Yes.

Q. In the very department you were working in?

A. Yes.

Q. And they returned to work in those various departments?

A. They worked under me. I inspected the steel for them.

Q. You were their inspector?

A. Yes.

Q. When they came in from these meetings did you get the general trend of conversation as to what occurred at that meeting?

MR. DAY: May we have our objection for the reasons already stated?

TRIAL EXAMINER LINDSAY: The objection is overruled now. Let the record show an exception.

(Exception noted for respondent.)

TRIAL EXAMINER LINDSAY: But what meeting are you talking about now?

MR. GROSSMAN: The series of group meetings held in the plant.

BY MR. GROSSMAN:

Q. When was that, Mr. Cutshall?

A. In March, in the early part of March, or the middle of March, or somewhere along in there.

Q. It would not have been in May, or somewhere along in there?

A. They were in May, yes.

Q. Was that the early part of May or the latter part of May?

A. Well, I would say anywhere from the middle to the latter part. It went over a period of a week or more.

Q. And these meetings are the series of group meetings you testified about a little while ago?

A. Yes, sir.

Q. Do you remember any meeting some time after these series of group meetings held in the mill?

A. Yes.

Q. You do remember those?

A. Yes.

Q. Will you state for the record how you got notice of that meeting?

A. It was 11 o'clock. I came to work and was working 12 to 8. They notified us that there was going to be a meeting in the bar mill; they were going to close down the department and everybody was to go over and we was to get paid for the time we would be over there at that meeting. They said they were holding these meetings for each particular turn, the three turns.

At one o'clock this was scheduled to take place and they blew the whistle, and the crane men, the chippers, and grinders, and everybody employed in the plant, or practically so, attended.

Q. You mean the whole department was shut down?

A. Yes, the whole department was shut down.

Q. And you all went over to attend this meeting?

A. That is right.

Q. Who asked you to go to this meeting?

A. George Johnson was the one that personally notified me to go.

Q. Who is George Johnson?

A. He is the boss of the chippers.

Q. When you say "boss," do you mean foreman?

A. The foreman.

Q. And you attended this meeting?

A. Yes.

Q. Approximately how many men were there at this meeting?

A. Oh, about 400.

Q. Who addressed you at that meeting?

A. I believe it was Mr. Dan Allen. I was not very well acquainted with him at that time. Everybody was talking as to who was conducting the meetings, and that it was the company representatives. And I was told that it was Dan Allen. I didn't know the man at the time.

Q. What was the substance of the talk at this meeting?

A. They were forming a union for the employes of this division of Republic Steel, and they did not want any outside union.

They wanted to make preparations if a strike was called to meet up near the square and make a rush for it and go down in a body, and so on.

Q. What was the rush going to be for?

A. They were anticipating the strike. They asked approval of the men, or some of the men in this group; but they didn't ask me, or anybody in general. They would pick out the men they wanted to speak. For instance, they knew the men they were asking the questions. They never asked me anything.

MR. DAY: I ask that be excluded, that they knew the men they were asking the questions.

TRIAL EXAMINER LINDSAY: Yes, that should be stricken.

BY MR. GROSSMAN:

Q. How long did this meeting last, Mr. Cutshall?

A. Only 20 minutes to a half an hour.

Q. And were you paid for the time that you spent at this meeting?

A. Yes, sir.

Q. There was not any deduction at all in your pay slip?

A. No, sir.

Q. Do you remember any other meeting at all after that?

A. There was one they called for our department, on a Sunday afternoon, at the main office.

Q. How did you get notice of that meeting?

A. It was told to me, and posted on the bulletin board—that is, the board where they recorded the tonnage.

Q. That was the board where they recorded the wage and tonnage totals?

A. Yes, sir.

Q. Did you attend that meeting?

A. I did.

Q. Can you fix the date of that meeting, or approximately fix it—how much after the last meeting was it?

A. I think only three or four days.

MR. DAY: I don't think he fixed the date for the last meeting.

BY MR. GROSSMAN:

Q. Do you remember approximately when the last meeting was?

A. About the 20th of May, I think.

Q. And this second meeting was when?

A. This second meeting, I would say, was the 20th of May.

Q. And the first one was how much earlier than that?

A. I would say about the 16th or 17th—just a few days between.

Q. Did you attend this second meeting?

A. Yes, I did.

Q. Will you state for the record what transpired then?

A. There—

TRIAL EXAMINER LINDSAY: Off the record.

(There was a discussion off the record.)

BY MR. GROSSMAN:

Q. Will you state for the record where the first meeting was held?

A. In the Bar Mill, 12-inch, just across the street or alley from the plant where I worked.

Q. But that was on the Republic Steel property?

A. It was.

Q. Now, getting to this second meeting you attended, did you go to that meeting alone?

A. No, I left down here with Homer Downard, and Martin Beckner.

Q. And who was Homer Downard?

A. President of local lodge No. 1200.

Q. And who was Mr. Beckner?

A. Vice-president of local lodge No. 1200.

Q. Where was this meeting to be held?

A. In the main office, on Twelfth Street.

Q. And you, accompanied by these two men, walked up to this office?

A. Yes, sir.

Q. And what happened?

A. They announced that the meeting was no longer to be held there but was to be down in the Bar Mill.

Q. And did all three of you go there?

A. No, we got as far as the gate. George Schnerly was standing there with three or four policemen, and he was O. K.ing the men that could enter. They refused to let Beckner and Downard enter, but they could not very well

keep me out, because that was the particular department that I worked in.

Q. Did they give any reason for not permitting Beckner and Downard to enter?

A. No.

Q. But they permitted you to enter?

A. Yes, sir.

Q. Can you tell what occurred at that meeting?

A. Well, the meeting was held, and it started about 1, and then again about 3, and a man by the name of Dunn—

Q. Do you have his first name?

A. William Dunn, I think.

Q. All right.

A. And he stepped up to me and said, "We have a stranger in our midst"—They were looking out for C. I. O. men.

I introduced myself and told him that he was a very poor Employes' Representative to not [know] me who had been working in that department for 3½ years, and I also showed him my button of the C. I. O.

The meeting proceeded, and he announced why he had called the meeting, for the purpose of forming an Employes' Union among the employes in this particular plant here in Canton, not to include Massillon, and not to include any of the other plants, or any other Republic mill; and he would say: "The union is what we want, isn't it?" and he would point down to me and say "Isn't that right, Mr. C. I. O.?" He did not remember my name, I guess.

And I would say, "Yes, I guess so." And he would say, "The idea is so that we can get better working conditions and better pay. Isn't that right, Mr. C. I. O.?"

And he would say, "We want this union, just among ourselves here, and we do not want to mix into any more troubles." And I objected, as many more did, in the meeting, and the meeting became very disorderly at that time.

Q. Was anything more said about the C. I. O. at that meeting?

A. Yes, this Mr. Dunn threw down to me this pamphlet, "Join the C. I. O. and build up Soviet America." I think that was the wording on that pamphlet. And he asked me if I had ever read that and I told him I read sufficient of it to connect it with the steel spy system. I understand they were printed at $2 a thousand, if you could find the address of the publisher.

Q. Did you stay at that meeting much longer, Mr. Cutshall?

A. Well, he asked Mr. Allen to tell us about John L. Lewis, and he said that John L. Lewis busted up their unions in the coal fields in Pennsylvania, and left them holding the bag, and after I had listened to this line of conversation for probably twenty minutes to half an hour, I asked many of the C. I. O. men to leave, and I guess there was approximately two dozen who left with me, and the rest of the men stayed.

Q. Let us go back a few minutes, Mr. Cutshall, for the sake of the record: Do you remember this series of group meetings we referred to a few minutes ago?

A. Yes.

Q. And do you remember the general trend of conversation of the men as they came out of these meetings?

A. Oh, yes, they all came out with broad smiles on their faces—

MR. DAY: I make the same objection to this testimony, on the same grounds as before.

TRIAL EXAMINER LINDSAY: The objection is overruled, as stated before, and the record may show an exception.

(Exception noted for respondent.)

BY MR. GROSSMAN:

Q. Proceed.

A. Usually they would come out with smiles on their faces, and with their card, and show it to me, and then shove it down in their pocket. And I would say "What have you

ıt to say?" And they would say, "Well, it was always the same old story—produce more steel and tell us about the unions."

Q. Do you know Sammy Stokes, Mr. Cutshall?

A. Yes, sir.

Q. Who is he?

A. A grinder and chipper in that department.

Q. Did he attend this meeting on May 20th that you referred to a few minutes ago?

A. Yes, sir.

Q. While you were working in the mill, and during that time, did you let it become known that you were a member of the C. I. O.?

A. I made it very plain to many of them.

Q. Where did you tell these men that you were a member of the C. I. O.?

A. Well, on occasions that I recall, I let some of the foremen know that I was a member of the C. I. O., when we would go over to the restaurant to dinner.

Q. Shortly before the strike were you demoted?

A. I was.

Q. Can you fix the date of that?

A. Well, say the 15th of May.

Q. About the 15th of May?

A. Yes, about that.

Q. What sort of a job were you given?

A. Well, I was given an inspection job, a marker's job, on the scarfing beds, out in the yard.

Q. Had you ever held that job before?

A. No.

Q. Did that job pay the same rate of pay as your other job?

A. No.

Q. How much less per day did it pay?

A. Approximately one dollar or a dollar and a half differences in the wages.

Q. What was your average pay per day?
A. On this job?
Q. On your regular job.
A. Well, it would run about 88 cents an hour.
Q. About 88 cents an hour?
A. Yes.
Q. How much would this other job pay, that you had been demoted to, per hour?
A. Seventy-six—that is, there was a tonnage proposition, you understand.
MR. GROSSMAN: That is all.

Cross Examination

BY MR. DAY:
Q. Mr. Cutshall, when did you say you joined the C. I. O.?
A. I did not say.
Q. When did you join the C. I. O.?
A. In August, 1936.
Q. How soon after that did you make it known down at the mill where you worked that you belonged to the C. I. O.?
A. You mean generally, or to individuals?
Q. Well, let us say generally?
A. Generally, two weeks before the strike.
Q. When did you make it known individually that you belonged to the C. I. O.?
A. From the day that I signed up.
Q. When did you make it known to your boss, or your foreman, or men occupying jobs of that kind?
A. Oh, I told them individually—let me see— four or five months ago.
Q. Four or five months ago?
A. That is right.
Q. That would be some time in March or April, then?

A. Yes—to everybody.

Q. And you did stay working for Republic up until the time of the strike, did you not?

A. Yes.

Q. Right along?

A. Yes.

Q. Have you been active since the strike started?

A. Active in what?

Q. Active in the strike?

A. Yes.

Q. Have you been out on the picket line?

A. I have been on duty, one duty or another.

Q. Have you been in and around Bandie's Hall?

A. Absolutely.

Q. Before you testified today, did you talk your testimony over with Mr. Beckner?

A. No, sir.

Q. I don't mean the lawyers here—leave them out—but any members—Mr. Downard or Mr. Beckner?

A. No, sir.

Q. No C. I. O. man?

A. No, sir.

Q. Do you know of employes of Republic being taken down to Bandie's Hall by C. I. O. men?

A. I do not know of any of them being taken down there; I have seen some of them down there.

Q. Do you know of any of them being taken down there in automobiles?

A. No, I do not know how they got there, or anything like that. I have a desk down there in Bandie's Hall, but I did not know how any man got in there at all.

Q. What work do you do at that desk?

A. Just merely keep the pickets' time.

Q. Whereabouts is that desk in Bandie's Hall?

A. In the basement.

Q. In the basement?

A. Yes.

Q. I have never seen Bandie's Hall, and so I do not know about the basement; does the basement have windows in it?

A. Yes, sir.

MR. GROSSMAN: I object, Mr. Examiner, as outside of the scope of the direct examination and has no relevancy.

MR. DAY: It may be somewhat beyond the scope of the direct examination, but it seems to me it is relevant to the complaint and answer.

TRIAL EXAMINER LINDSAY: You may proceed, if you don't go too far.

MR. GROSSMAN: May I have an exception?

TRIAL EXAMINER LINDSAY: Yes, let the record show an exception.

(Exception noted for board.)

BY MR. DAY:

Q. Do you know of employes of Republic being brought down to Bandie's Hall and being beaten there?

A. I have no way of knowing whether they were employed at Republic Steel, or not, but they were steel men.

Q. Have you ever seen any of them get beaten?

A. I have seen a couple of them getting socked in the nose.

Q. Have you ever seen that?

A. I have never seen it, myself, but I know that they have been, and I would go out and try to quiet it down, but I have never seen it, myself.

Q. But you heard about it?

A. Yes, from hearing about it.

Q. How many times would you say, from your best recollection, men have been socked in the nose at Bandie's Hall?

A. Well, I have heard about the same man being socked in the nose about a thousand times.

Q. Was he a Republic man, or one of your men?

A. I would not know.

Q. Well, the same man that was socked in the nose a thousand times—

A. I mean that I heard the story about a thousand times, not that the man was socked in the nose a thousand times.

Q. During the course of the story did you get the name of that man who got socked in the nose?

A. I was not particularly interested in that.

TRIAL EXAMINER LINDSAY: Will you put in your questions that he heard he got socked in the nose; there is no evidence that he knows.

BY MR. DAY:

Q. Did you hear that he got socked in the nose?

A. Yes, sir.

Q. Who was the man?

A. I never heard his name.

Q. Do you know whether he was one of your own men or of Republic Steel?

A. I do not know; a man is just a man to me.

Q. Even though he works for Republic Steel?

A. Well, no.

(Laughter and clapping.)

TRIAL EXAMINER LINDSAY: Wait a minute! If there is any clapping here that is one thing I will not tolerate. These are federal hearings and they demand the same respect as any other hearing, in fact, a lot more. It should not be necessary for me to call the attention of anyone in this hearing in regard to the violation of a court rule.

BY MR. DAY:

Q. Do you mean to say that you do not know whether this man that got the sock in the nose was a Republic Steel man?

A. No; there would be no way of my telling that.

Q. Was there more than one man that you heard got socked in the nose down there?

A. Many, many of them; you heard every place you go.

Q. Are you an officer of that lodge?

A. I am a trustee of that lodge.

Q. And as a trustee, did you make any investigation to determine the facts as to men being socked in the nose, down at Bandie's Hall?

A. Nothing more than trying to quiet the situation down, if I heard of it.

Q. Did you ever know of a man being taken down to Bandie's Hall and stripped of all or part of his clothing?

A. I did not see any of that.

Q. Did you hear of it?

A. Oh, yes, I heard of it here, yesterday.

Q. Well, did you hear of it any other time?

A. I don't recall.

Q. Did you not hear it any other time?

A. I don't recall.

Q. Did you ever hear of Dan Allen?

A. Yes.

Q. Were you there when he was taken down—

MR. GROSSMAN: I object to this line of inquiry; it is outside of the scope of direct examination.

MR. DAY: I think it is within the scope of the issues.

TRIAL EXAMINER LINDSAY: Yes, I think you have the right to ask.

MR. GROSSMAN: And may I have an exception, if Your Honor please.

TRIAL EXAMINER LINDSAY: Yes, let the record show an exception noted.

(Exception noted for Board.)

BY MR. DAY:

Q. Go ahead.

A. When I first seen Dan Allen, he was standing in the back yard with his hands up like this (indicating), and a sign pinned on him, "T. K. Harrison, Scab." And a photographer was snapping his picture. Immediately after that the boys shook hands with him, and I shook hands with him, on the understanding that he voluntarily signed up with the C. I. O., and signed the statement that it was voluntary, and that he was not asked. And I will say also that he went out under his own steam.

Q. Do you know that after he went out under his own steam he was in the hospital for about 11 days?

TRIAL EXAMINER LINDSAY: Wait a minute; I don't think that is a fair question.

THE WITNESS: He was there in very good shape.

MR. DAY: I would respectfully suggest that, in view of his statement that he went out under his own steam, we have the right to ask if he knew that he was in the hospital.

TRIAL EXAMINER LINDSAY: Well, you will have your own case and you can ask those questions and put those things in; I wish you would not go into them.

MR. DAY: All right. Any time the Examiner wants to stop me, I know you will.

TRIAL EXAMINER LINDSAY: I sure will.

MR. DAY: All right.

BY MR. DAY:

Q. Do you know of any other men being brought down there to Bandie's Hall and beaten up?

A. Any other man?

Q. Yes, besides the man you heard got the punch on the nose.

A. There was a man, I think, that brought whiskey into the mill and had a gun on him, and he said he was called up by the foreman, and the crane men and electri-

cians who told him to bring whiskey into the mill, and I guess the boys met him with about twenty or thirty half pints of whiskey, and he was taken into the mill to Mr. Clark, and he decided he would not go on into the mill, anyway, with the whiskey.

Q. And what happened to the whiskey?

A. Well, the police took one pint of it along with the revolver, to headquarters, when they took the man up.

Q. What happened to the rest of the whiskey?

A. I would not know; it was not brought to headquarters at all.

Q. I will ask you if on or about the 29th of May, 1937, you, together with all the other men, invited or asked an employe of Republic, a foreign fellow, to go with you to Bandie's Hall, and upon his refusal to go with you the foremen, one of whom was you, jumped out of the car, and you threatened this employe of Republic with a brick; did you do that?

MR. GROSSMAN: I object to that question. First, to the form of the question, and, secondly, because it is outside of the scope of the direct examination.

MR. DAY: What is the matter with the form of it?

TRIAL EXAMINER LINDSAY: The objection is overruled, and let the record show an exception.

BY MR. DAY:

Q. Do you understand the question?

A. I think that I do.

The man said he would come over and sign up. He had come out of the mill, and he said he would come over and sign up immediately. He said he wanted to sign up—that is what he told the boys and the pickets—and he continued on down the street, and they came over and talked to me about it, and I said let's go over and talk to the man, and we will see if he can give us any information. And wher-

ever he was, down on the corner, he threatened us, and I personally picked up a brick and would have thrown it if he had continued his threat to throw a brick at me.

Q. How many men were there?

A. Just the one man.

Q. Were you driving your car that day?

A. Yes.

Q. Do you remember the license number?

A. I have got it in my pocket, I think.

Q. Will you let me have it?

A. Is that the one you have got?

Q. That is what I want to find out.

A. Well, what is your license number?

Q. I am asking you the question.

A. It is M-190-S.

Q. Did a policeman come up to the scene there, while this was going on?

A. Yes, a cruiser came around the corner.

Q. And a policeman?

A. Yes.

Q. There was a policeman in the cruiser, wasn't there?

A. Oh, rather, I suppose so.

Q. Did the policeman say anything?

A. Nothing.

Q. I want to ask you now, Mr. Cutshall, something about these meetings in the mill; these group meetings that took place. First, in what department did you work?

A. I worked in the chipping bed, in the inspection department of the chipping beds.

Q. What plant?

A. Plant B.

Q. What is plant B? What do you make there?

A. They make the chip and steel and grind.

Q. Is that plant B of the Alloy Department?

A. That is right.

Q. Is the Alloy Department separate from the Tin Plate Department?

A. Yes.

Q. Mr. Downard worked in what department? Is that the Tin Plate Department?

A. That is what I understand.

Q. And Mr. Beckner worked where?

A. I think he worked in the Tin Plate, too.

Q. And you worked in Alloy?

A. Yes.

Q. At these group meetings that you talked about, who would be there? Would the foremen be there?

A. It was usually Johnson. He was the foreman of the chippers on the beds, and he would call these men and tell them to go into this wash room. That is where they always held these little meetings; or sometimes they would be in Hopkins' office.

Q. How many at a time would be there?

A. As I said a little while ago, they seemed to pick the number of men, in my estimation, and it would probably be two men who were union and about four men that might be on the fence, or with the company.

Q. These men at the meetings were all men who worked at the mill?

A. I guess so.

Q. Were any of the officers of the company there?

A. What do you mean?

Q. What was the highest man who was there at any of these meetings?

A. At those small meetings it would be just that foreman and George Schnerly. Both of them were foremen, so far as that is concerned.

Q. At these series of group meetings, the highest man working for the company who was there would be a foreman; is that right?

A. Yes.

MR. DAY: The Respondent moves to strike from the record the testimony of this witness as to group meetings and what occurred there, upon the ground the record now shows that the company was not represented by anyone having authority.

TRIAL EXAMINER LINDSAY: Do you take it that none of the foremen have any authority?

MR. DAY: I would not think they would have authority to bind the company in this kind of proceeding; no, sir.

TRIAL EXAMINER LINDSAY: Do you know what authority they did have?

MR. DAY: I suppose each man has authority over his separate department.

TRIAL EXAMINER LINDSAY: I understand there is some testimony here to show that a foreman does have the right to discharge a man.

MR. DAY: Even then I want to make the record.

TRIAL EXAMINER LINDSAY: The objection is overruled. Let the record show an exception.

(Exception noted for Respondent.)

TRIAL EXAMINER LINDSAY: At this time we will take a short recess.

(Thereupon, a short recess was taken, after which the following occurred.)

TRIAL EXAMINER LINDSAY: We will resume, gentlemen.

BY MR. DAY:

Q. Mr. Cutshall, you testified before the recess about the man in the automobile and the brick.

Did you have any other occurrences of that kind?

A. Did I have any?

Q. Did you take part in any of them?

A. They were very minor, if I took part in any.

Q. Are there any that you remember?

A. Not in particular.

Q. By that do you mean there is nothing that you now remember, or something that you do remember but that you do not consider important?

A. There is nothing that I remember at this time.

Q. In your direct examination you testified as to a meeting held in the bar mill, plant B, and I think you said it was shortly before May 20th. I think you said the second meeting you told about was May 20th. And the other one was a few days before that. Is that right?

A. Which one came first?

Q. You were telling about one when Dan Allen spoke. Was that the first meeting or the second one, or is that the general meeting?

A. That was the second.

Q. Where was the meeting? You told about two meetings.

A. It started in the bar mill and ended out in the yard.

Q. Is that the first meeting?

A. Yes, sir.

Q. That was the meeting of the employes of what plant, or what department?

A. The plant B.

Q. Of just Plant B?

A. That is right.

Q. How many men attended that meeting?

A. I would say approximately four hundred.

Q. Was that the meeting that Mr. Downard and Mr. Becker tried to get into but did not get into?

A. No.

Q. Then we have the same one in mind.

I am going to ask you about the other meeting—not the one relating to Beckner and Downard.

Where was that meeting held?

A. In the bar mill.

Q. Who was the highest officer of the company there at that meeting?

A. I don't know of any foreman being there. I didn't see any. Dan Allen and this Dunn were there.

Q. Dan Allen was not a foreman, was he?

A. Not that I know of.

Q. Was Dunn a foreman?

A. I don't know what he did.

Q. Then, is it your best recollection that there were just men there at that meeting?

A. Nothing more. I heard Allen was some kind of a straw boss or a minor foreman.

Q. But outside of that, when you simply heard he was some kind of a straw boss—

A. That is right.

Q. —outside of that, Mr. Cutshall, there were just employes there? Is that right?

A. Yes.

MR. DAY: We move to strike out the testimony as to what occurred at that meeting on the grounds already stated with relation to the series of group meetings.

BY TRIAL EXAMINER LINDSAY:

Q. These meetings to which you have been referring were meetings held by this so-called company union? Is that right?

A. That is right. And we were being paid for the time we were over there at that meeting, and at those small group meetings, but not at the one in the afternoon which was to take place at the main office and was later transferred to the bar mill. That was the meeting which Downard and Beckner were not permitted to attend.

TRIAL EXAMINER LINDSAY: I shall deny the motion and let the record show an exception.

(Exception noted for Respondent.)

BY MR. DAY:

Q. As to that meeting when four hundred were there that we have been referring to, how long did that last?

A. Twenty minutes to half an hour.

Q. At that time it was generally known that you were C. I. O., wasn't it?

A. Yes.

Q. And there were other C. I. O. men there?

A. Yes.

Q. When did you start to wear your C. I. O. buttons out to the plant?

A. I did not start to wear mine until three or four days before the strike was called.

Q. When did the boys generally start to wear their C. I. O. buttons?

A. After I wore mine.

Q. You were the first one?

A. In that department, I believe.

Q. You came out with your button and the rest of them put on their buttons?

A. That is right.

Q. I want to ask you about the Sunday meeting which was about the 20th day of May, which was about five days before the strike.

A. That is right.

Q. That was the n ting of the employes of what department?

A. Well, it was supposed to be chippers, grinders, inspectors, cranemen, and so on, at Plant B.

Q. Mr. Downard did not work at Plant B, did he?

A. No, sir.

Q. And neither did Mr. Beckner?

A. No.

Q. They worked at the Canton Tin Plate?

A. Yes.

Q. And you say that that meeting was fixed to be held first at the office?

A. Yes.

Q. And then it was changed to down in the mill; is that right?

A. That is right.

Q. And you worked in the mill?

A. Yes.

Q. You were in the department for which the meeting was called? Is that right?

A. Yes.

Q. How many men from your department were there there?

A. I would say 100 to 150.

Q. How large is the office?

A. It was not in the office, it was out in the mill.

Q. I mean this meeting place in the office. Was it in the office or just in the office building?

A. The Sunday meeting was held right out in the mill.

Q. I understand it was; but you stated it was intended first to hold it in the office.

A. That is right.

Q. Whose office was it?

A. It was supposed to be in the main office of the Republic Steel.

Q. How large a place is that?

A. I was never in it. The building is pretty large.

Q. You don't know how large the office itself is?

A. No.

Q. At any rate, there were about 150 men in your department for which the meeting was called?

A. Yes.

When they transferred that meeting there weren't more than 25 started down there. They came in after I was down in the bar mill.

Q. About 150 came there from your department?

A. Altogether it was approximately 100 to 150. But 75 of them, we will say, came after I came, and after they

transferred it from the main office down over the hill.

Q. You went down with Beckner and Downard?

A. That is right.

Q. And you say Schnerly was there?

A. Yes.

Q. Was Schnerly in your department?

A. Yes.

Q. And you say there were a couple of company police standing there?

A. Yes.

Q. And you went there and went into the meeting?

A. Yes. He hesitated for a while to make up his mind as to whether he would let me in.

Q. At any rate, he let you in?

A. Yes.

Q. But he did not let in Beckner and Downard?

A. No.

Q. They did not belong to that department?

A. Just to the Republic Steel.

Q. How is that?

A. Not to that department but to the Republic Steel.

Q. They belonged to Tin Plate?

A. Yes, which is part of Republic Steel.

Q. But it was not a part of your department for which the meeting was being held, was it?

A. No. They did not hold meetings that way. They did not hold general meetings.

Q. Were there quite a number of men from the Tin Plate plant that tried to get into this meeting of Plant B?

A. I only know of Downard and Beckner.

Q. They were the only ones you saw?

A. They were the ones I happened to see. There were probably many more around; I don't know.

Q. If there was any concerted action upon the part of any men over at the Tin Plate to get into this meeting, you did not see that, did you?

A. No, I did not see it.

Q. About how long did that meeting last?

A. As I told you I left after it was in progress about 20 minutes to a half hour, and it continued I don't know how long.

Q. That was the meeting that was addressed by Mr. Dunn?

A. And Mr. Allen.

Q. That is Mr. Dan Allen that we have been referring to?

A. I suppose so. I have only heard of one of them.

Q. And Dan Allen made a speech, did he?

A. Well, he denounced John L. Lewis.

Q. He denounced John L. Lewis?

A. That was the biggest part of his speech.

Q. And the date of that was about May 20th?

A. Yes, about that.

Q. And there were some C. I. O. men there; is that right?

A. At that particular meeting I think there were about 50 percent.

Q. And they were right there when Mr. Dunn denounced John L. Lewis?

A. Yes, that is when the meeting went into confusion.

Q. About how long after that was it that you saw Dan Allen come down, or got down in some way to Bandie's Hall and said he wanted to join the C. I. O., and they had the picture taken—not the picture, but the signs on him? About how long after that was it?

A. I would say a month.

Q. About a month?

A. Yes

Q. Had you seen Dan Allen at all in the meantime?

A. No, sir.

Q. Do you know what his activities were in the meantime?

A. No, sir.

MR. DAY: I think that is all.

Redirect Examination

BY MR. GROSSMAN:

Q. Mr. Cutshall, can your foreman fire you, or could he if he wanted to, or discharge you?

A. Yes, sir.

Q. He could?

A. Yes.

Q. A little while ago you stated—

MR. DAY: Of course we object to this. He is simply giving his opinion on that.

BY MR. GROSSMAN:

Q. Did he have the right to fire people?

MR. DAY: We object to that.

TRIAL EXAMINER LINDSAY: The objection is overruled. Let the record show an exception.

(Exception noted for Respondent.)

BY MR. GROSSMAN:

Q. When you attend this Sunday meeting, you stated that you were not paid for the time you spent there. You were not working Sundays, were you?

A. No, sir.

Q. The earlier meeting with 400 in attendance, do you recall that?

A. Yes.

Q. Were you working at the time that meeting was called?

A. Yes.

Q. Were you paid for the time you spent at that meeting?

A. Yes.

MR. GROSSMAN: That is all.

Recross Examination

BY MR. DAY:

Q. Just a minute, please.

Don't you know that the most the foreman could do is to recommend discharge, and then the matter has to be passed upon by the higher officer or superintendent?

A. I don't know that that is the case.

Q. And at the last meeting you were telling me about a little while ago, the Sunday meeting, what was the highest officer of the company that was there that day?

A. Well, the highest that I know of was Mr. Dunn.

Q. And he is what?

A. I believe him to be some kind of an under-foreman or straw boss, as they are sometimes called.

MR. DAY: I would like to make the same motion to strike with relation to what occurred at that meeting as was made to the other meetings and the series of meetings.

TRIAL EXAMINER LINDSAY: The motion is denied. Let the record show an exception.

MR. DAY: That is all.

MR. GROSSMAN: That is all.

(Witness excused.)

MOESSES RAFAILEDES

a witness called by and on behalf of the National Labor Relations Board, and, having been first duly sworn, testified as follows:

Direct Examination

BY MR. LAUTER:

Q. Your name is Moesses Rafailedes?

A. Yes, sir.

MR. LAUTER: For the benefit of everybody and so that we will be sure the newspaper men have it, it is

spelled M-o-e-s-s-e-s R-a-f-a-i-l-e-d-e-s.
Is that correct?

THE WITNESS: Yes.

BY MR. LAUTER:

Q. Where do you reside?
A. 1735 Berger Place.
Q. Is that in Canton?
A. Yes.
Q. You have been employed at the Republic Steel Corporation?
A. Yes, sir.
Q. When did you start working there?
A. The first time I started in 1916 in October.
Q. You started in October, 1916?
A. Yes.
Q. And how long did you work there?
A. I worked there until 1919.
Q. You worked there until 1919?
A. Yes.
Q. Then after that what did you do?
A. I went on vacation in October, 1920, to the Old Country.
Q. Did you come back from the Old Country?
A. Yes.
Q. Did you go to work for Republic Steel Corporation again?
A. Yes, sir.
Q. When did you go to work for the Republic Steel Corporation again?
A. November 27, 1920.
Q. You say it was November 27, 1920?
A. Yes, sir.
Q. Have you worked for Republic Steel Corporation steadily since then?
A. Yes, sir.

Q. Until when did you work? When did you stop working?

A. 1937, May 29th.

Q. You are sure of that date, are you?

A. Yes.

Q. You are sure it was May 29th?

A. Yes.

Q. What kind of work did you do in the mill?

A. Crane man operator.

Q. Is that the kind of work you were doing when you were discharged?

A. On the same job. I was there before. I was a head chain man before. In 1922 crane operator.

Q. In what division of the plant?

A. No. 24 Department, the electrician department.

Q. What mill was that?

A. The 8-inch mill, 8-inch stock house.

Q. Is that in Canton?

A. Yes.

Q. The Canton mill?

A. Yes.

Q. Are you a member of the C. I. O.?

A. Yes, sir.

Q. When did you join the C. I. O.?

A. March 27, 1937.

Q. What turn were you working in May, let us say?

A. I worked when the strike was called. The four to twelve turn I was working.

Q. Do you know when the strike was called?

A. About 9:30.

Q. What day?

A. The same night, May 25th.

Q. When did you leave the plant?

A. The 29th.

Q. Four days later?

A. Yes, sir.

Q. How does it happen that you left the plant four days later? Now, before you start, let me ask you to talk very, very slowly so that we can all understand you.

A. I just tried to come on out at 12 o'clock. I wanted to quit my job. My foreman says, "You wait until tomorrow morning at 8 o'clock."

Q. What did you do?

A. When 8 o'clock came I wanted to quit.

Q. Eight o'clock the next morning?

A. Yes. He said, "You work on until 4 o'clock. There are no cranemen now."

Q. He said "There are no cranemen now," and for you to work on until 4 o'clock?

A. Yes. He said, "Work on until 4 o'clock. There are no cranemen."

So I worked until 4 o'clock and came into the office and told him I wanted to go home.

Q. You told your boss you wanted to go home?

A. Yes.

Q. Who was the boss?

A. Mr. Yodius.

Q. Mr. Yodius was the foreman over you?

A. He was boss, yes.

Q. What did he say?

A. He said, "You can't go home." And I said, "I can go home, my family may be scared and get sick." I don't listen to foreman. I go up the hill.

Q. You did not listen to the foreman?

A. Yes, that's right.

Q. You went up the hill?

A. Yes, and the policemen told me "You can go out." I don't know who is giving the order to the policemen.

Q. What did you say after you went up the hill to the mill policeman?

A. "No got order, you can't go out."

Q. After he said you couldn't go out, what did you do?

A. I go back to the mill and tell the boss, and I said that, and he said, "You work on a couple of days longer and see what is going to happen."

MR. DAY: We did not get that answer.

MR. LAUTER: He said to wait a couple of days to see what would happen.

BY MR. LAUTER:

Q. Is that right?

A. Yes.

Q. Who was the foreman you came back to?

A. Mr. Yodius.

Q. What then?

A. I stayed on the next days and I worked on, and I waited to see what would happen.

Q. Go ahead. What happened?

A. Friday night somebody told me, some of my friends in the mill, "Your family have been coming up the hill three days."

Q. "Your family has been coming up the hill three days"?

A. Yes.

MR. DAY: We move to strike that out. It does not tend to support any charges in the complaint, and it does not in any way connect the Respondent with the conversation.

TRIAL EXAMINER LINDSAY: The objection is overruled. The record may show an exception.

You may tell your story.

(Exception noted for respondent.)

BY MR. LAUTER:

Q. Who told you your family was coming to the plant to see you?

A. Some Greek fellows told me.

Q. Who?

A. Forcas Casiodas.

Q. Where was he? Was he in the plant?

A. Yes.

Q. How did he know your family was coming to see you?

A. He would come up the hill and see my wife down the hill.

Q. He would come up the hill?

A. Yes.

Q. And from there he could see your wife?

A. Yes. She came three days and the policeman didn't let me know.

Q. What policeman didn't let you know?

A. Republic Steel.

Q. They did not let you know that your wife came to see you?

A. That is right. At 7 o'clock Friday I got the chief of police and said, "How long have you known me in this plant?"

Q. You asked "How long are you going to hold me in this plant?"

A. No, I said, "How long have you known me in this plant?" He said, "About 21 years."

Q. Have you been there that long?

A. Since 1916 up to date.

Q. What did you say to the policeman?

A. He said, "Your wife no come up here." I said, "I prove my wife come up here."

Q. You said that to the policeman?

A. Yes. And a lot of office men were down there, too.

Q. A lot of officers?

A. No, not officers, no policemen, but office men. He said, "Tomorrow morning I will let you come on down to see your people."

Q. The policeman said that?

A. Yes.

Q. That was Saturday morning?

A. Yes. And I say "All right." Saturday morning at 6 o'clock I get up and go down to the office and up the hill, and I tell the policeman down there, and he said, "Your wife no come here." I said, "What is the reason my wife can't come in here. She come three days and you don't let her in?" He said, "No, your wife no come here."

Q. He told you again that your wife did not come there?

A. Yes.

Q. This was Saturday morning?

A. Yes.

Q. You had been in the plant since Tuesday? Is that right?

A. Yes.

Q. Go ahead.

A. Another policeman told me and told him, "Your wife was here."

Q. Another policeman told him?

A. Told me. The policeman marked the directions down there.

Q. In that book with your name? Your name was there?

A. Yes, my name and my wife's name were in this book, yes.

Q. What does the book show? What is this book for?

A. The policeman refer to who is coming and who is going out.

Q. What happened Saturday morning? To whom did you speak?

A. The policeman down there.

Q. Did you give his name? Do you know his name?

A. No, I didn't know his name.

Q. What did you tell him?

A. I told him, "This is my wife's name." He said, "I don't know about it."

Q. "Here is my wife's name"?

A. Yes.

Q. Were you pointing to something?

A. Yes. I told the policeman.

Q. What were you pointing to?

A. The policeman.

Q. You said "Here is my wife's name"?

A. Yes.

Q. Where?

A. Saturday morning.

Q. Was it in this book?

A. Yes.

Q. And what did he say?

A. He said, "I don't know. I had boss and I can't let you know about it. Excuse me."

Q. He said he couldn't let you know about it?

A. Yes.

Q. And to excuse him?

A. Yes.

Q. What else happened on Saturday?

A. At 10 o'clock I came on down and called on my plant boss.

Q. Who is that?

A. Mr. Yodius and Alvin Johnson and Mr. Whitehouse.

Q. Who is Mr. Whitehouse?

A. The superintendent of the electricians.

Q. What happened?

A. I saw him down there, and at the bottom of the hill I saw my son.

Q. You went to the hill and saw your son?

A. My son started to cry and said, "Come on daddy. what are you staying for?"

I cry myself now. Then he says, "My mother was very scared and sick."

BY MR. DAY:

Q. What was that he said?

A. Mr. Whitehouse says, "Mr. Yodius, what is the matter?" He said, "Your father makes lots of money here. What are you worrying about your father for?"

BY MR. LAUTER:

Q. Mr. Whitehouse said that to your son?

A. Mr. Yodius said it to him, "Why do you worry about your father? He makes lots of money." My son say, "I don't care about the money, I want to see my father."

And they take me back to the mill then, my boss, and talked and said, "You can go."

I told Mr. Whitehouse in 1932 he scared my wife and family. They wasn't sick.

"Do you know Mr. Johnson how long I have that trouble?" I say; and he said yes. And I say, "Well, let me go out and give me the orders."

Q. You said you wanted to go out and you wanted him to give the order to go out?

A. Yes.

Q. Did he give the order to go out?

A. No.

Q. Did you go out finally?

A. Yes.

Q. How did you happen to get out of the plant?

A. He says, "You wait and I will call up the policeman and send your kids home." I said, "No, I go down and see my kids myself. I am going to talk to them."

I got up the hill and talked to my kids. The policeman don't let me talk my language.

Q. The policeman wouldn't let you talk your language?

A. No. He said, "Talk in English." I said "This is a school boy, he doesn't understand my English. That is

why I talk in my own language." And then he said, "Then, all right."

I got a couple of candy and sent the kid home. I told him to tell my priest.

Q. You told your kid to tell the priest?

A. Yes.

Q. To do what?

A. To bring two policemen to come down and take me out of the plant.

Q. Did your priest come to the plant?

A. Yes, two came on down on Saturday.

Q. What is the priest's name?

A. James Matokos. And the priest came on down there and the company police say, "You can't take Moesses home."

Q. You said that to the priest?

A. No, the chief of police. The priest said he could take Moesses home. He would help Moesses home. And he said, "How are you going to take Moesses home?" He said, "You can't help Moesses home. You better take care of the Moesses' home in the house."

Q. What happened when the priest came there? Start back beginning at the start and go over it very, very slowly. The priest came to the Republic plant?

A. Yes, he came.

Q. In the Republic plant?

A. Yes.

Q. What happened there?

A. He told my boss, and the chief of police said—

Q. Just a minute, please. To whom did your priest speak?

A. The chief of police.

Q. What did your priest say to the chief of police?

A. He said, "Give it Moesses. I will take him home."

Q. That is what the priest said?

A. Yes.

Q. Did the chief of police say anything?

A. "You can't help Moesses home. You better take care of the Moesses' home in the house." And then my priest said, "I am taking [care] of the Moesses' home. I can't do anything."

Q. Just a minute, please. He said, "I can't do nothing more"? Was that it?

A. Yes. Then the chief of police said, "If I give you this man now, if this man is killed what is the security?"

Q. "If I give you this man to take home"?

A. Yes, and if somebody killed him will you be security.

Q. Who said that?

A. The chief of police.

Q. "If somebody killed him will you be security"?

A. He said, "I will be security if somebody kills him."

Q. Who said that?

A. The priest. They gave him the order and came out and they said, "Go down and take your clothes."

Q. Who said that?

A. My boss.

Q. Who was that?

A. Mr. Yodius.

Q. He told you to take your clothes and leave?

A. Yodius.

Q. He told you to take your clothes and leave the mill?

A. I told him there was a good place for my clothes at the mill, and they will stay down there.

Q. Are they still there?

A. Yes. I just came out with the priest.

Q. And you left the plant?

A. Yes.

Q. When did you leave the plant?

A. Saturday, 2:30.

Q. How long do you generally work in the mill? How many hours a day?

A. I worked 8 hours a day. My job would be an easy job.

Q. You worked 8 hours a day? Is that right?

A. Yes.

Q. The strike took place on May 25th? Is that right?

A. Yes.

Q. And you left the plant May 29th?

A. Yes.

Q. Did you work 8 hours a day during that time?

A. Yes, I worked 8 hours a day during that time.

Q. How many hours a day did you work? Just how many hours did you work?

A. Just my job, maybe two hours or three hours a day.

Q. You mean during the time you were there in the plant from May 25th to May 29th you were working two or three hours a day?

A. Yes. My job was easy.

Q. How much did you get paid for?

A. Fourteen hours a day.

Q. You got paid for 14 hours a day?

A. Yes.

Q. During the time you were in the plant?

A. Yes.

Cross Examination

BY MR. PONTIUS:

Q. The strike came on on the 25th of May?

A. Yes, sir.

Q. What time?

A. Nine-thirty.

Q. Nine-thirty at night?

A. Yes, sir.

Q. And you had gone on on the 4 o'clock turn that day, had you?

A. Four-thirty.

Q. And you were working when that strike came on?

A. Yes, sir.

Q. What plant did you work in?

A. The 8-inch mill.

Q. And you were a crane operator?

A. Yes, sir.

Q. And a great many men remained in the plant, did they not—lots of men remained in the 8-inch mill?

MR. LAUTER: I object to the question as not being within the personal knowledge of this witness.

TRIAL EXAMINER LINDSAY: I will sustain the objection.

(Exception noted for respondent.)

BY MR. PONTIUS:

Q. To your knowledge—

You worked on until 12 o'clock that night, didn't you?

A. Yes, sir.

Q. And, at that time, did you look outside of the plant?

A. I cannot go outside of the plant—a lot of men came down.

Q. I don't understand.

A. A lot of the men called the bosses, and every one with his suitcases, coming to work.

Q. Was that about 12 o'clock?

A. No, about 6 o'clock.

Q. I ask you if, at 12 o'clock, you looked outside of the plant?

A. At 12 o'clock I quit my job and go down to the boss' office to get my time card, and my foreman says, Please you stay until tomorrow morning.

Q. And you stayed, didn't you?

A. Yes, sir.

Q. Did you sleep there that night?

A. No, sir.

Q. What did you do there that night?

A. I just run all over the plant.

Q. And then you went to work again, the next morning?

A. Yes.

Q. And how long did you work that day?

A. At 8 o'clock I want to go home, and he said, you work till 4 o'clock.

Q. And you worked that day, did you?

A. Yes, sir.

Q. You worked from 8 to 4 that day, didn't you?

A. At 4 o'clock I told my boss I want to go home, and he said, no, you cannot go home.

Q. Did you look out around the plant at that time?

A. Yes, at 4 o'clock I go out to the police station.

Q. What did you see there?

A. Nothing, long lines.

Q. Did you see the picket line there?

A. No.

Q. You said, when you did come out, the policeman asked your priest if he would guarantee your getting home in safety?

A. Yes, sir.

Q. And the priest said he would guarantee it?

A. Yes, sir.

Q. That was because there were a lot of pickets there, wasn't it?

MR. LAUTER: I object to that question.

TRIAL EXAMINER LINDSAY: Yes, that is objectionable.

BY MR. PONTIUS:

Q. Well, you did see a picket line out there?

A. Yes, everybody make me shake hands.

Q. That is, they were glad you came out of the plant; is that right?

A. Yes, sir.

Q. Did you recognize any of those men out there that shook hands with you?

A. Yes, sir; there was the union, my brothers.

Q. Who were they?

A. I don't know if they were C. I. O., but they were my brothers.

Q. What entrance of the plant did you leave when you went with the priest?

TRIAL EXAMINER LINDSAY: What gate?

THE WITNESS: Up to the police station—out of the main gate.

BY MR. PONTIUS:

Q. During this time that you remained in this plant, you said you walked all around there; weren't there a number of men there?

MR. LAUTER: If your Honor please, this question has been asked before, and I have objected, and you have ruled on it, as to the number of men in that plant.

MR. PONTIUS: The point is that this man was there, and others.

TRIAL EXAMINER LINDSAY: The objection is sustained.

BY MR. PONTIUS:

Q. Were there other men in the plant while you were there?

A. Yes, in the rest room.

Q. You were not the only man in that plant during this period, were you?

A. I cannot understand you.

Q. Were there other men in the plant when you were there?

A. Yes, sir.

Q. And were there other men working in that plant while you were there?

A. Yes, sir.

Q. Now, had there been any threats at your home, while you were in that plant, that scared your wife?

A. No, sir.

Q. How do you know that?

A. My wife told me—don't bother nobody.

Q. That anybody bothered her?

A. Yes. They called the strike, that is all.

Q. During this time, to your knowledge, were men going in and out of that plant—do you understand me?

A. No.

Q. Were workmen going in and out of that plant, coming to work and going away from work, during that time?

A. I do not expect that—I just understand there was to be a strike.

Q. Isn't it a fact that this foreman did not want you to leave; he was afraid you might get hurt?

MR. LAUTER: I object to the question.

TRIAL EXAMINER LINDSAY: He may answer the question.

THE WITNESS: My foreman had the crane men short, and he wanted to keep me in the shop.

BY MR. PONTIUS:

Q. Wasn't he afraid you might get beaten up?

A. No, no, he don't afraid of me.

Q. Why not?

A. Nobody can kill me, anyhow; everybody my friend.

Q. Did he know you were a C. I. O. man?

A. No—right away he would fire me if he know.

Q. You did not wear your button there?

A. No, I keep it inside my shirt.

Q. He did not know you had any connection with the C. I. O., did he?

A. No.

MR. PONTIUS: That is all.

MR. LAUTER: That is all.

TRIAL EXAMINER LINDSAY: Just one other question: These policemen who stopped you from going out of the plant, were they policemen of the City of Canton?

THE WITNESS: Of the Republic Steel, I think, Republic Steel policemen.

TRIAL EXAMINER LINDSAY: That is all.

(Witness excused.)

TRIAL EXAMINER LINDSAY: We will adjourn until 1:30.

(Whereupon, at 11:55 o'clock a. m., a recess was taken until 1:30 o'clock p. m. of the same day.)

Afternoon Session

TRIAL EXAMINER LINDSAY: The hearing is called to order.

MR. LAUTER: Leo Cox.

LEO COX

a witness called by and on behalf of the National Labor Relations Board, and, having been first duly sworn, testified as follows:

Direct Examination

BY MR. LAUTER:

Q. Where do you reside, Mr. Cox?

A. Massillon, Ohio.

Q. Whereabouts in Massillon?

A. 1025 South Erie.

Q. Have you been employed by the Republic Steel Corporation?

A. Yes, sir.

Q. When did you start working for them?

A. 1922 the first time.

Q. You have worked continuously after that?

A. No, until 1924.

Q. Speak up, now.

A. 1924—'34—'24.

Q. And after 1924 you worked for them again?

A. Came back in 1929.

Q. And you have worked steadily since then?

A. Yes, sir.

Q. Where is the plant located?

A. Columbia Heights, Massillon, Ohio.

Q. What kind of work have you done?

A. Charging machine operator.

Q. And is that the nature of the work that you were doing when you stopped working for them?

A. Yes, sir.

Q. When did you stop working for them?

A. May 25th.

Q. What happened then?

A. Then we went on strike.

Q. I see. Now, you are a member of the C. I. O.?

A. Yes, sir.

Q. When did you join?

A. September 4, 1936.

Q. Are you familiar with the Employes' Representation Plan at Massillon?

A. Yes, sir.

Q. That is at the Massillon plant?

A. Yes, sir.

Q. Of the Republic Steel Corporation?

A. Yes, sir.

Q. What was the first notice that you had that a Plan was being organized there?

A. Oh, I think it was circulated around from mouth to mouth in the beginning. That is about the first notice we had.

(There was a discussion off the record.)

TRIAL EXAMINER LINDSAY: I was just telling the Reporter that I want all the exhibits here in the courtroom during the sessions.

(There was a short recess taken.)

BY MR. LAUTER:

Q. Before we continue with this line of inquiry, Mr. Cox, will you state how long you have been a steel worker?

A. Well, about 22 years.

MR. LAUTER: Mark this, please.

(The document referred to was thereupon marked for identification as "Board's Exhibit No. 32.")

BY MR. LAUTER:

Q. And you testified that there was some talk in the plant about the formation of the Employes' Representation Plan?

A. Yes, sir.

Q. Well, did a vote take place on the formation of the Plan?

A. Later on it did, yes.

Q. Did it take place in the plant?

A. Down between the 12 and 18-inch mills.

Q. I see.

I hand you Board's Exhibit, for identification, No. 32, and ask you if you have ever seen it before? Describe what it is.

A. "Plan of Employes' Representation, June, 1933."

Q. Now, did you ever receive a copy of that in the plant?

A. I did receive one, but I don't know where I got it at.

Q. Did you get it in the plant?

A. Yes.

MR. LAUTER: I offer this in evidence as Board's Exhibit No. 32.

TRIAL EXAMINER LINDSAY: No objection? Board's Exhibit No. 32 is received in evidence.

(The document previously marked for identification as "Board's Exhibit No. 32," was received in evidence.)

MR. LAUTER: Mark this, please.

(The document referred to was thereupon marked for identification as "Board's Exhibit No. 33.")

MR. LAUTER: Do I understand that there is no objection to the admission of that?

MR. DAY: That is right.

TRIAL EXAMINER LINDSAY: Which one is that? 32?

MR. PONTIUS: Thirty-two.

TRIAL EXAMINER LINDSAY: Thirty-two is already in.

BY MR. LAUTER:

Q. I hand you Board's Exhibit No. 33, for identification, and ask you if you have ever seen that before, and I will ask you to describe what it is?

A. That is the same thing, only it has been amended in 1934.

Q. Do you remember how you got that?

A. I think there was a bunch of them laying on the recorder's desk.

Q. The recorder's desk where?

A. On the 18-inch mill.

Q. That is where you got it?

A. I think that is where I picked it up.

MR. LAUTER: I offer it in evidence as Board's Exhibit No. 33.

May I point out for the record that this exhibit consists of a green book, and also attached to it a white sheet of paper with some typewritten or mimeographed material on it.

TRIAL EXAMINER LINDSAY: No objection. Board's Exhibit No. 33 is received in evidence.

(The document previously marked for identification as "Board's Exhibit No. 33," was received in evidence.)

BY MR. LAUTER:

Q. Now, did you vote at any time on the acceptance or rejection of the Employes' Representation Plan?

A. Twice, I believe.

Q. Did you vote—

TRIAL EXAMINER LINDSAY: A little louder.

BY MR. LAUTER:

Q. Did you vote for representatives under that Plan?

A. Well, the first time we didn't vote at all. We had about five votes.

Q. When was that?

A. That was in the nomination in '33.

Q. That was voting for representatives?

A. Yes, sir.

Q. In accordance with Board's Exhibit 32, is that right?

A. Yes.

Q. You didn't vote then?

A. No, sir.

Q. Now, you refer to another vote. When did that take place?

A. Well, that was in '35 and in '36.

Q. Those were votes held in the plant?

A. Yes, sir.

Q. Now, I asked you before whether or not you voted or whether a vote was held on accepting or rejecting the Plan. Was there such a vote?

A. No, there was no vote on that.

Q. The only vote that you know about is the vote on the representatives; is that correct?

A. Yes, sir.

Q. So that the employes automatically became members by voting for representatives; is that correct?

A. That is correct.

Q. Now, will you tell me where the vote took place in 1933?

A. Well, they had the booths set up down in between the 10 and 18-inch mill, and the fellows would vote down there. We all belong to the A. F. of L. at that time, and they wouldn't be—I think it was about five fellows went in there in the nomination. And then the election time came on, they had moved the booths up into the pipe shop, and then some of the fellows from there went up there and voted, and some even went home and changed clothes and came back and voted.

Q. Who is Mr. Kelvey? Do you know him?

A. That is the chief electrician.

Q. What is his full name, do you know?

A. James Kelvey.

Q. Were any of the men ever urged to vote on any of these elections, to your knowledge?

A. Yes, I guess there was plenty of them.

Q. Well, to your knowledge. I don't want your guess. I want you to tell me what you know.

A. Yes, sir.

MR. DAY: I object to that. I take it we are entitled to a conversation, if he heard it, and who did the talking.

BY MR. LAUTER:

Q. Will you state for the record any conversation that you heard with respect to voting under this Plan, and when that took place and where it took place?

A. Well, there was—you mean for forcing you to vote, you mean?

Q. Did you have any conversation with Mr. Kelvey?

A. Well, he asked me if I voted, and I told him no.

Q. Yes.

A. And he said, "You better go up and vote."

Q. Did you hear Kelvey tell any other men the same thing?

A. Yes.

Q. When was that?

A. The same night.

Q. What year was that?

A. 1933.

Q. Elections for representatives under this Plan?

A. Yes, sir.

TRIAL EXAMINER LINDSAY: Just a moment. Just so the record is straight, do you withdraw your objection after he gave you the conversation? Is that right?

MR. DAY: Well, if the conversation was with an officer, but if the conversation is with Mr. Somebody, who is the chief electrician, why, I would like to object to it.

TRIAL EXAMINER LINDSAY: All right. Your objection is overruled and let the record show an exception.

(Exception noted for Respondent.)

BY MR. LAUTER:

Q. Now, are you a member of the general body?

A. Yes, sir.

Q. How many members of the general body were there under this plan?

A. Twenty-one.

Q. Do they hold meetings?

A. Yes.

Q. Where were these meetings held?

A. In the Industrial Building at Massillon.

Q. You mean the Industrial Building that is part of the Republic Steel?

A. Yes, sir.

Q. How often do they hold meetings there?

A. The General Body once a month unless there was a special meeting.

Q. Did you attend the meetings?

A. Yes, sir.

Q. When did they generally start?

A. Oh, about 9 o'clock in the morning.

Q. Approximately how long did these General Body meetings last?

A. Until four or five o'clock in the evening.

MR. DAY: May we ask when he was a member of the General Body?

MR. LAUTER: I am prepared to ask him that.

BY MR. LAUTER:

Q. Were you a representative under this Plan?

A. Yes, sir.

Q. When were you elected?

A. 1935 and 1936.

Q. That is for the years 1935 to 1936, and 1936 to 1937?

A. Yes, sir.

Q. Under this Plan would you automatically, as a representative, become a member of the General Body?

A. Yes, sir.

Q. You attended the General Body meetings; is that correct?

A. Yes, sir.

Q. I hand you Board's Exhibit No. 34, for identification, and ask you what that is and whether you have ever seen it before.

A. I have seen it before and that is a schedule for dates of meetings of the different committees and General Body.

Q. Is this a schedule of meetings for the various committees in the General Body under the Republic Steel Corporation's Employes' Representative Committee of Massillon?

A. Yes, sir.

MR. LAUTER: I offer this in evidence as Board's Exhibit No. 34.

MR. DAY: No objection.

TRIAL EXAMINER LINDSAY: Board's Exhibit No. 34 received in evidence.

(The document referred to was marked as "Board's Exhibit No. 34," and received in evidence.)

BY MR. LAUTER:

Q. Were you paid for attending the meetings of the General Body?

A. Yes, sir.

Q. By whom were you paid?

A. Republic Steel.

Q. For attending the meetings of the General Body that were held in the plant; is that correct?

A. Yes, sir.

Q. Where were the meetings of the General Body held?

A. Held in the Industrial Building.

Q. Were you also a member of any of the committees that were set up under this Plan?

A. For the first year member of No. 4 committee.

Q. When you say first year you mean 1935?

A. Yes.

Q. You were a member of what committee?

A. Of No. 4 committee.

Q. What is the nature of No. 4 committee?

A. Appeals.

Q. Appeals.

A. No. 4 is a committee that, if No. 2 committee could not settle the grievance and the wage question, it was passed to No. 4, and No. 4 tried to settle them, then.

Q. Now, Mr. Cox, No. 4 committee, to which you refer, of which you were a member, was a standing committee; is that correct?

A. Yes.

Q. Were there also joint committees?

A. Joint committees, too.

Q. What was the joint committee composed of?

A. Five officials of the company.

Q. Along with the employe representatives?

A. Yes.

Q. That is five officials of the company known as the company representatives?

A. Yes.

Q. They sat in with No. 4 with the joint committee?

A. Yes.

Q. Did you get paid for attending the meetings of the joint as well as the standing committee?

A. Yes.

Q. In addition to the pay which you got for attending the General Body meetings?

A. Yes.

Q. Did you hold any office in No. 4 committee?

A. I was chairman of the No. 4 committee.

Q. For the years 1935 and 1936?

A. Yes.

Q. You were elected representative for the years 1936 and 1937?

A. Yes.

Q. Did you hold any office?

A. Chairman of No. 3 committee.

Q. What is No. 3 committee?

A. Health, sanitation, and safety.

Q. What were the activities of that No. 3 committee?

A. Well, they were supposed to see that things were taken care of as to safety and sanitation. It was up to them to look into things to that effect.

Q. Now, the days on which the meetings were to be held for the various committees are set forth in a mimeographed sheet known as Board's Exhibit No. 34; is that correct?

A. Yes.

Q. And that was made up at the beginning of that year that you were to serve; is that correct?

A. When your term started.

Q. How long, on the average, were these safety meetings, or meetings of the No. 3 committee?

A. About two hours.

Q. How much did you get for attending?

A. Three hours.

Q. How is it that when the meeting lasted two hours you would get paid for three hours?

A. That was a ruling the General Body had made and took it up with the management to have nothing less than two hours.

Q. So that even when you attended for less than three hours, or namely, two hours, you would get three hours' pay?

A. Yes, sir.

Q. I hand you Board's Exhibit No. 35, for identification, and ask you to describe it?

A. That was a special meeting at the Industrial Building for the purpose of organization.

Q. And what is the document that I handed you known as Board's Exhibit No. 35 for identification?

A. Well, that was sent to me through the mail to be there. That was after election time, they were going to organize committees.

Q. This is a notice sent to you through the company mail? How did you receive this?

A. I don't know whether that was company mail or whether I got a notice.

Q. That was mailed to you?

A. Mailed to me.

MR. LAUTER: I offer this in evidence as Board's Exhibit No. 35.

MR. DAY: No objection.

TRIAL EXAMINER LINDSAY: May I see that?

(Document handed to Trial Examiner.)

TRIAL EXAMINER LINDSAY: Board's Exhibit 35 received in evidence.

(The document referred to was marked as Board's Exhibit No. 35, and received in evidence.)

BY MR. LAUTER:

Q. I hand you Board's Exhibit 36, for identification. State whether or not you received that?

A. Yes, sir.

Q. Where did you receive that?

A. I received them every month at my home.

Q. This is a notice of a joint committee meeting No. 3?

A. Yes, sir.

MR. LAUTER: I offer it in evidence as Board's Exhibit No. 36.

TRIAL EXAMINER LINDSAY: Any objection?

MR. DAY: No objection.

TRIAL EXAMINER LINDSAY: Board's Exhibit No. 36 received in evidence.

(The document referred to was marked as Board's Exhibit 36, and received in evidence.)

BY MR. LAUTER:

Q. Now, you were a member of the joint committee and chairman of the standing committee of No. 3; is that correct?

A. Yes.

Q. And as a member of the joint committee you received this notice every month?

A. Yes, sir.

Q. Whenever the schedule provided for meetings?

A. That is the way it should be.

Q. I hand you Board's Exhibit 37, for identification,

and ask you to state whether you received that?

A. Yes.

Q. What is it?

A. For the meeting of the committee.

Q. Is it a notice of the standing committee No. 4, Appeals Committee?

A. Yes.

MR. LAUTER: I offer it in evidence as Exhibit No. 37. Apparently there is no objection.

TRIAL EXAMINER LINDSAY: Board's Exhibit No. 37 received in evidence.

(The document referred to was marked as Board's Exhibit No. 37, and received in evidence.)

BY MR. LAUTER:

Q. I hand you Board's Exhibit 38, for identification, and ask whether or not you received that notice of meeting of the General Body of Employe Representatives?

A. Yes, I received that.

MR. LAUTER: I offer it in evidence as Exhibit No. 38. Apparently there is no objection to that.

TRIAL EXAMINER LINDSAY: Received in evidence.

(The document referred to was marked as Board's Exhibit No. 38, and received in evidence.)

BY MR. LAUTER:

Q. You described before voting which took place in the plant in connection with the representatives?

A. Yes.

Q. Were voting booths used at that election?

A. Yes, sir.

Q. Do you know who constructed those voting booths?

A. Carpenters of the Republic Steel.

Q. Were there bulletin boards at the Republic Steel plant at Massillon?

A. Yes, sir.

Q. Have you access to those bulletin boards?

A. Yes, sir.

Q. Did you have the key to those bulletin boards?

A. Yes, sir.

Q. How does it happen that you had a key to the bulletin board?

A. Well, the fellow who was the representative before I was, he gave me the key to it.

Q. What would you do with it?

A. Well, the minutes, post the minutes, sometimes we would get some safety bulletins, we would post them and lock them up, the front was of glass.

Q. Who was Mr. George Lohneis?

A. That is the plant, Republic Management representative.

Q. Management representative under this Plan?

A. Yes.

Q. Did he attend the meetings?

A. No, he did not.

Q. Was he present at any of the meetings?

A. After the meetings were over he was.

Q. Did he send out the notices of the meetings?

A. Yes, sir.

Q. He attended meetings of both of the bodies of various committees?

MR. DAY: I object to that. He did not say that.

MR. LAUTER: I am asking him, did he attend?

MR. DAY: He has already answered.

TRIAL EXAMINER LINDSAY: Overruled.

MR. DAY: He has already answered the question.

TRIAL EXAMINER LINDSAY: I have already ruled on it. Proceed with the examination.

MR. LAUTER: Will you read the question?

(Question read.)

BY MR. LAUTER:

Q. Did he attend the meetings of the General Body?

A. After the meetings were over he attended them.

Q. Is that equally true of the committees of which you were a member?

A. Yes, sir.

Q. I hand you Board's Exhibit 39, for identification, and ask you to state whether or not you received that copy of the minutes of November 7, 1936?

A. Yes, sir.

Q. How did you receive a copy of the minutes?

A. Through the mail.

Q. Do you generally receive copies of the minutes?

A. Yes, sir.

MR. LAUTER: I offer it in evidence as Board's Exhibit 39.

MR. DAY: No objection.

TRIAL EXAMINER LINDSAY: Board's Exhibit 39 received in evidence.

(The document referred to was marked as Board's Exhibit 39, and received in evidence.)

BY MR. LAUTER:

Q. You said that Mr. Lohneis was called in after the meetings; is that right?

A. That is right.

Q. Do you recall any occasion when he was called in after the meeting?

A. Well, he was pretty near always called in after meetings if he was present in Massillon.

Q. Were any requests ever made from him with respect to grievances?

A. The majority of times there was.

Q. Do you recall any of those incidents?

A. Well, some was on wages and someone dissatisfied with the boss.

Q. When you presented a grievance to Mr. Lohneis, who was the management representative under this Plan, did he act on it?

A. Yes, sir.

Q. What would he do?

A. Well, he would take it up and try to get it fixed around and get things working for us providing it was not money matters, buildings, things like that.

Q. What would he do where there were money matters involved?

A. He would take it up with the other executives.

Q. At these meetings there were always minutes taken?

A. Yes, sir.

Q. Who took the minutes?

A. The secretary.

Q. Of either the committee or General Body?

A. Each committee had a secretary of its own, and the General Body had none.

Q. Who got up the minutes?

A. We sent them in to Mr. Lohneis' office and we would receive them from Mr. Lohneis.

Q. You received mimeographed minutes from Mr. Lohneis' office, the management representative?

A. Yes, sir.

Q. Were there any dues paid at Massillon?

A. No, sir.

Q. Who paid for operating the Plan?

A. Republic Steel.

Q. They paid for printing the by-laws?

A. Yes, sir.

Q. They paid for sending out all notices?

A. Yes, sir.

Q. They paid for you attending meetings?

A. Yes, sir.

Q. Paid for the time you spent handling grievances?

A. Yes, sir.

Q. I hand you Board's Exhibit No. 40, for identification, and ask you to state whether or not you received that

copy through the mail here?

A. I did.

MR. LAUTER: I offer it in evidence as Board's Exhibit No. 40.

MR. DAY: I do not think there will be any objection. He is looking at it.

TRIAL EXAMINER LINDSAY: All right.

MR. DAY: There will be no objection, anyhow; no objection.

TRIAL EXAMINER LINDSAY: Board's Exhibit 40 received in evidence.

(The document referred to was marked as Board's Exhibit No. 40, and received in evidence.)

BY MR. LAUTER:

Q. I hand you Board's Exhibit No. 41, for identification, and ask you whether or not you have seen that before?

A. Yes, sir.

Q. What is it?

A. Statement showing how many hours we had on duty, and how many hours we have off duty.

Q. Did you receive this from the Republic Steel Corporation?

A. Yes, sir.

Q. Massillon plant?

A. Yes, sir.

MR. LAUTER: I offer it in evidence as Board's Exhibit No. 41.

MR. DAY: No objection.

TRIAL EXAMINER LINDSAY: Board's Exhibit No. 41 is received in evidence.

(The document referred to was marked as Board's Exhibit No. 41, and received in evidence.)

BY MR. LAUTER:

Q. Referring to Board's Exhibit No. 41, I call your

attention to the notations on the front of the exhibit, the face of the exhibit, in ink. There are numerals "3-3-3" and "8" in two columns on Board's Exhibit No. 41. Will you describe what they are?

A. Well, them 3-3-3's is for like two of them was a meeting and one was a meeting with the superintendent maybe in his office. Them is the 3 hours we got for attending the meetings.

Q. What is the "8" for?

A. The "8" is hours. More than likely was had a General Body meeting.

Q. What is the date in which the 8 appears next to?

A. Fifteen.

Q. I hand you Board's Exhibit No. 42, for identification, and ask you what that is?

A. That is the same as the other one.

Q. What is it?

A. Showing the off duty and on duty, 8 hours.

Q. Did that generally come along with your pay check?

A. Yes, sir; if you had any extra time like that.

MR. LAUTER: Offer it in evidence as Board's Exhibit No. 42.

MR. DAY: No objection.

TRIAL EXAMINER LINDSAY: All right. No objection. Board's Exhibit 42 is received in evidence.

(The document referred to was marked as Board's Exhibit No. 42, and received in evidence.)

MR. LAUTER: Mark these, please.

(The documents referred to were marked for identification as "Board's Exhibits 43, 44, and 45.")

BY MR. LAUTER:

Q. I hand you Board's Exhibits, for identification, Nos. 43, 44, and 45. Will you describe what they are?

A. Application blanks for the employes to fill out with the representatives, when you have a case, instead of

having it verbal. Why, instead of having it verbal they filled it in blank form.

Q. Those forms are supplied by the Republic Steel Corporation?

A. Yes, sir.

Q. To the representatives under the plan; is that right?

A. Yes, that is right.

MR. LAUTER: I offer it in evidence as Board's Exhibit No. 43, also Board's Exhibits 44 and 45.

(There was a discussion off the record between Mr. Lauter and Mr. Day.)

MR. LAUTER: I will state for the record that all of these forms are being offered as blanks, and any written material on these are not intended to be offered in evidence in this case.

MR. DAY: Then there is no objection.

TRIAL EXAMINER LINDSAY: Board's Exhibits 43, 44, and 45 are received in evidence.

(The documents previously marked for identification "Board's Exhibits 43, 44, and 45," were received in evidence.)

MR. LAUTER: Mark this, please.

(The document referred to was thereupon marked for identification as Board's Exhibit 46.)

BY MR. LAUTER:

Q. I call your attention to Board's Exhibit No. 40, and the following statement contained in the minutes of September 22, 1936: "In reply to request for general wage increase for employes of the Massillon district, Mr. Bortz discussed this item in detail and stated it was impossible for the management to grant this request. He also stated that when all conditions warrant, that this item will be given consideration."

Was Mr. Bortz at that meeting of September 22, 1936?

A. He was called in after the meeting was over.

Q. What did he have to say?

A. Well, he said we was rated a little higher in Massillon than they were in the rest of the mills in the districts at that time. They couldn't afford to go and give the men a raise.

Q. When Mr. Bortz said that they could not afford to give the men a raise that ended the matter?

A. For the time being, yes.

Q. I call your attention to Board's Exhibit No. 39, minutes of September—of November 7, 1936, and the statement contained therein, that "Mr. E. A. Bortz, district management of the Central Alloy District, Republic Steel Corporation, announced today to the General Body representatives, that effective November 16, 1936, wage rates will be increased 5½ cents per hour in the lower wage brackets."

Was that announcement made at the meeting?

A. Yes, it was made at the meeting.

Q. Made by Mr. Bortz; is that correct?

A. Yes, sir.

Q. Do you know whether or not local newspapers carried the announcement of that increase before the employe representatives knew about it?

A. There was some kick about that over there because they hollered about the newspapers having it before the representatives had it.

Q. They knew before you did that you were getting a wage increase?

A. Yes.

TRIAL EXAMINER LINDSAY: Did you offer Board's Exhibit 46?

MR. LAUTER: Not yet. I am coming to it.

BY MR. LAUTER:

Q. I hand you Board's Exhibit No. 46, for identification, and ask you to describe what that is?

A. That is the general conference of the Employes' Representatives of the Republic Steel.

Q. Is that an annual conference?

A. An annual conference.

Q. There is a provision for an annual conference made in the by-laws of the Employe Representation Plan?

A. Yes, sir.

Q. And this is a picture of the annual conference?

A. Yes.

Q. Where was it held?

A. Brookside Country Club.

MR. DAY: What year?

MR. LAUTER: What did you say?

MR. DAY: Did you say '36?

MR. LAUTER: I think he did.

I offer it in evidence as Board's Exhibit No. 46.

BY MR. LAUTER:

Q. Did you say that was the annual conference in 1936?

A. In 1936—'37 that was.

TRIAL EXAMINER LINDSAY: Mr. Lauter, I thought you had Board's Exhibit 46 right there.

MR. LAUTER: No. 39 and 40.

TRIAL EXAMINER LINDSAY: Oh, all right.

MR. DAY: When was this?

BY MR. LAUTER:

Q. When did that annual conference take place; do you recall?

A. I think that was in '37.

Q. In '37?

A. Yes.

MR. DAY: There is no objection to the exhibit.

TRIAL EXAMINER LINDSAY: Board's Exhibit No. 46 is received in evidence.

(The document previously marked for identification "Board's Exhibit No. 46," was received in evidence.)

BY MR. LAUTER:

Q. Were the employe representatives under the Plan present at this annual conference?

A. Yes, sir.

Q. And were some of the management representatives?

A. Yes, they were there, too.

Q. And some of the officials of the company?

A. Yes.

Q. Including Mr. Cole Meyers?

A. Yes.

Q. And Mr. Voss?

A. Yes.

Q. Who paid for the cost of the conference?

A. The Repubic Steel, I guess.

Q. Was there a banquet in connection with that conference?

A. Yes, sir.

Q. Do you know about a conference or meeting, or meetings, that were held in Cleveland in connection with an Employes' Representation Plan?

A. I know of it, yes.

Q. Were any delegates elected; do you know?

A. Two.

Q. Were they selected from your Employes Representation Plan?

A. Yes, sir.

Q. Who were the delegates that were elected?

A. Nate Brown and Nick Lincolnhaley.

MR. LAUTER: Mark this, please.

(The document referred to was thereupon marked for identification as Board's Exhibit No. 47.)

BY MR. LAUTER:

Q. I hand you Board's Exhibit 47, for identification, and ask you when you received that?

A. Received that at the General Body meeting of the Employes Representation Plan.

Q. Of the Employes' Representation Plan?

A. Yes, sir.

MR. LAUTER: Offer it in evidence as Board's Exhibit No. 47.

MR. DAY: When was it?

BY MR. LAUTER:

Q. When did you receive that, do you recall?

A. What year was it?

Q. Did you receive that this year or last year or the year before?

A. Either the last of '36 or the first of '37.

Q. Let me show you that exhibit again.

TRIAL EXAMINER LINDSAY: Any objection to 47?

BY MR. LAUTER:

Q. Do you recall when you received that?

MR. DAY: No.

TRIAL EXAMINER LINDSAY: Exhibit No. 47 is received in evidence.

(The document previously marked for identification as Board's Exhibit 47, was received in evidence.)

A. '37.

BY MR. LAUTER:

Q. You are sure it was in '37?

A. Yes.

MR. LAUTER: Do you want to see it any further?

MR. DAY: No.

MR. LAUTER: Do you want to see it?

TRIAL EXAMINER LINDSAY: No.

MR. LAUTER: I offer it in evidence. Does the record show it was received?

THE REPORTER: Yes.

MR. PONTIUS: What is it, please?

BY MR. LAUTER:

Q. Say what it is.

TRIAL EXAMINER LINDSAY: That is 47.

MR. LAUTER: It says here, "Plan of Employes' Representation Plan, Massillon Plant, as amended April 22, 1937."

Mark this, please.

(The document referred to was marked for identification as "Board's Exhibit No. 48.")

BY MR. LAUTER:

Q. Do you recall whether or not in 1937 the General Body considered at one of their meetings any petitions?

A. Well, there was some petitions out there through the mill down there.

Q. What kind of petitions were they?

A. Well, there was a petition that came up from the Bloomingdale to the General Body that—a strike situation. Didn't want to have—that is, they had the fellows—

MR. DAY: Was that in writing? Have you got the petition?

BY MR. LAUTER:

Q. Was that a petition in written form?

A. It was at that time.

Q. Where was it presented?

A. At the General Body meeting.

Q. What action did the General Body take?

A. Well, the General Body didn't like the heading of that petition.

Q. What was the heading of that petition, in substance, if you don't remember the exact words?

A. Well, it says, "We, the undersigned, are satisfied with our present plan, and do not want any interference from the outside, C. I. O.," or something on the order of that there.

Q. What action did the General Body take?

A. Well, there was a few fellows in the General Body had stepped up and made remarks that they didn't like the heading on that petition.

Q. What objection did they make to the heading?

A. About the C. I. O.

Q. What happened?

A. Well, they talked around there a while, and the first thing they decided they would draw up a new heading and leave the wording "C. I. O." out.

Q. What happened to the petition with the wording "C. I. O." out?

A. I don't know what happened to that petition.

Q. Was it circulated after that?

A. No, I don't believe it was.

Q. You don't know what action was taken by the General Body?

A. They had—the only action I know is this new heading that they put on this other petition.

Q. I see.

Now, I hand you Board's Exhibit 48, for identification, and ask you whether or not have you ever seen a copy of that before?

A. Yes, sir.

Q. When did you see a copy of that?

A. In the Industrial Building.

Q. When did you see it for the first time in the Industrial Building?

A. What is that?

Q. Was that some time this year?

A. Yes, that was around about the time the Wagner Act went into effect.

MR. LAUTER: I see. I offer it in evidence as Board's Exhibit No. 48.

MR. DAY: No objection.

TRIAL EXAMINER LINDSAY: No objection. Exhibit 48 is received in evidence.

(The document previously marked for identification as Board's Exhibit No. 48, was received in evidence.)

BY MR. LAUTER:

Q. Do you recall a meeting after the Wagner Act was upheld at which Mr. Cole Meyers spoke?

A. Yes, I remember a meeting there. He was present at the time.

Q. Where was that meeting held?

A. In the Industrial Building.

Q. Tell me what he said.

A. Well, there was talking about the Wagner Act, and said they couldn't finance our stationery or even come down to a room, and couldn't appropriate no money to pay the representatives. There was a discussion there of how to raise money.

Q. What was the discussion?

A. One of the representatives suggested about to raffle off an automobile to raise money enough to pay for stationery and expenses of the representatives, and the other fellows spoke up, and he says, well, he says, "We ain't allowed to raffle off cars." He says, "You even get fired if they catch you with baseball tickets." Meyers says, "I don't know what the hell goes on down there the way you guys are selling things."

Q. Mr. Meyers then left?

A. Yes.

Q. Did he say where he was going?

A. He was going to Canton.

Q. Did he say why?

A. Well, he had a meeting over here in Canton, too.

Q. A meeting over in Canton?

A. Yes.

Q. A general body meeting?

A. A general body meeting.

MR. LAUTER: That is all.

Cross Examination

BY MR. DAY:

Q. You were asked about some notice of a wage in-

crease coming out in the newspapers. Coming out in the newspapers before the General Body was advised of it?

A. Yes, that is so.

Q. Well, the wage increase, of course, applied to many more men working for the Massillon plant than were members of the General Body, didn't it?

A. Oh, yes.

Q. Was it a wage increase for the whole plant or for a subdivision of the plant, or what?

A. Well, it was a general wage increase.

Q. At the Massillon plant?

A. At all plants.

Q. At all plants?

A. Yes.

Q. And that was announced in the newspapers before your General Body at the Massillon plant was told of it; is that right?

A. Yes, sir.

Q. That is the general Republic wage increase; is that right?

A. That is right. The public knew all about it before the representatives knew about it.

Q. Well, but all Republic?

A. Yes, the whole Republic was given a general increase.

Q. Now, you were asked also about some minutes that were mimeographed over at the company office. Those minutes were minutes of the meetings of your General Body?

A. General Body.

Q. And were they kept by your secretary?

A. Yes.

Q. Who was your secretary?

A. Nate Brown.

Q. And after he took the minutes they were sent over to the company office and they were there mimeographed; is that right?

A. That is right.

Q. And then were copies mimeographed and sent to—

A. Each representative in—

Q. Each representative of the General Body?

A. Yes.

Q. Of whom there are about twenty, did you say, over in Massillon?

A. Twenty-one.

Q. On this matter of payment when you attended meetings, I would like to clear that up. Suppose you were working, actively working, when you were called to a meeting.

A. Yes.

Q. How were you paid, then, for the time that you spent in the meeting?

A. Three hours.

Q. Three hours?

A. Yes, sir.

Now, if somebody took your place, did he get paid for your time?

A. Yes, sir.

Q. And you got just the same then yourself as you would have if you had stayed on the job?

A. No, that sometimes varies. We never got paid for the 3 hours we put in there what the actual 3 hours of them days would make. Our time was always taken from the two weeks before, the equivalent of what we had drawed the two weeks, we would get our two hours out of it that way, but the actual day you wouldn't get your 3 hours.

Q. Well, would you get paid more or less, depending on whether you were working at the time you were called to the meeting?

A. Sometimes it is more.

Q. Well, now just explain how that was. I don't understand your answer. Maybe it is my fault, but just explain that.

A. Well, I work on a tonnage basis and an hourly basis.

Q. Yes.

A. Well, maybe today I might make $10, $11.

Q. Yes.

A. Tomorrow I might make $8. Well, maybe these three hours I would be off I might make $3 or $4 in them three hours, but that is the actual day on that—actual day may be the two weeks before that. My time wouldn't average that.

Q. When you went to the meeting, then, of the General Body, how much would you get for the three hours you spent there?

A. Eight hours.

Q. How much?

A. Eight hours. How many hours, you say?

Q. No. How much would you be paid? Suppose you went to a meeting and stayed there two hours, how much would you be paid for it?

A. Three hours.

Q. Three hours?

A. Yes.

Q. For that two hours?

A. Yes.

Q. Now, would you get more money or less money, depending on whether you were actually working at the time the meeting was held?

A. Sometimes you would and sometimes you wouldn't.

Q. Well, now, explain that to me, please.

A. Well, just as I say, if, when the three hours' time down there, you might change a roughing mill, and that takes an hour and a half to—an hour and a half to pretty near two hours to change a roughing mill to line up the other mills. Well, you would be making your 55 cents an hour. That is all you would be making. Well, these three hours that I had spent at the meeting I would draw from

the two weeks—that is, the average on the other two weeks. Well, then, I would make more money in them three hours than what I did if I would have been working.

Q. I see. Sometimes you would make more and sometimes you would make less?

A. Yes.

Q. Depending on what you were doing when you were called?

A. Yes.

MR. DAY: I think that is all.

TRIAL EXAMINER LINDSAY: We will take a short recess.

(There was a short recess taken.)

(Witness excused.)

TRIAL EXAMINER LINDSAY: The hearing has been called to order.

RUSSELL ECKROAD

a witness called by and on behalf of the National Labor Relations Board, and, having been first duly sworn, testified as follows:

Direct Examination

BY MR. HUNT:

Q. State your name.

A. Russell Eckroad.

Q. Where do you live, Mr. Eckroad?

A. 3027 Lincoln Way, West, Massillon.

Q. Give us your place of residence again. Speak a little louder.

A. 3027 Lincoln Way, West. Massillon.

Q. Mr. Eckroad, when did you first enter the employ of the Republic Steel Corporation?

A. Well, the first time I entered the employ of the Republic Steel Corporation was in about 1919.

Q. In what plant?

A. I worked in the time office for about a year and a half.

Q. In Massillon?

A. Yes.

Q. Continue.

A. Then I left the time office and was off for about three months and then I went back and I went into the heat treating department. I worked there about seven months and then left and went to St. Louis, Mo., on a job down there, and then I was down there about a year and came back here in 1923, and joined up with the Republic—not the Republic at that time, but the Central Alloy.

Q. That was in Massillon?

A. Yes.

Q. What was your job?

A. Well, I started out as a drag on the shears.

Q. A drag on the shears?

A. Yes.

Q. What was your next position with Republic?

A. After I had worked on there for some time I went to the superintendent and asked him if I could get on the hot mills and he said that he would see about it, and finally I got on the hot mills as a doubler.

Q. As a doubler?

A. Yes. Then as time went on I advanced to a matcher.

Q. You were advanced to a matcher?

A. Yes, matcher. Then as time went on I was advanced to extra rougher.

Q. To an extra rougher?

A. Yes. And I extra roughed for quite a few years, and then they give me a job as steady head rougher.

Q. Is that a promotion from extra rougher?

A. Yes.

Q. You became head rougher?

A. Yes, sir.

Q. Is head rougher sort of a head operator of a small crew?

A. The head rougher is the operator that has charge over the crew of the mill that he works on.

Q. Are you a member of the C. I. O.?

A. Yes.

Q. When did you join the C. I. O.?

A. I joined the C. I. O. on or about November 15, 1936.

Q. And did you ever at any time have a talk with David Lewis regarding the C. I. O.?

A. Yes. One day I went into Mr. Lewis' office.

Q. Who is Mr. Lewis?

A. Mr. Lewis is our turn foreman.

Q. Turn foreman of what mill?

A. Of the hot mill.

Q. What did Mr. Lewis say to you?

MR. DAY: I would like to object to this conversation on the ground that it does not connect the Respondent; it does not appear that Mr. Lewis had any authority to act for or in behalf of the Respondent.

TRIAL EXAMINER LINDSAY: Mr. Lewis was a foreman?

THE WITNESS: Yes.

TRIAL EXAMINER LINDSAY: Objection overruled. The record may show an exception noted.

(Exception noted for Respondent.)

BY MR. HUNT:

Q. Is a turn foreman the lowest form of foreman, or is it a pretty high form of foreman?

A. Well, the turn foreman is not the lowest foreman of the mill. There is another foreman, what they call a heater foreman. He also looks after different things on the mill.

Q. Now, the turn foreman is in charge of all the men on a certain shift?

A. Yes.

Q. For example, a shift of eight hours he is the head of all the men on that shift?

A. Yes, he has all of the responsibility of that shift.

Q. What did Foreman Lewis say to you?

A. Well, I went over after a piece of chalk and Mr. Lewis and I got to talking, and Mr. Lewis says, the question came up about the C. I. O., and Mr. Lewis says, "Well, Mr. Girdler will never sign the contract with the C. I. O.," and then it led on to some other things, about one thing in general that had happened up town at a union hall, and he says something about that, and I says to him, "Why, how do you know that?" He says, "That is all right how I know that." He says, "We know things down here 10 minutes after they happen up town no matter where it is."

Q. What did he mean by that? Did he explain?

A. He did not explain himself on that question, no.

Q. Did he say anything else about what Mr. Girdler would or would not do?

A. Well, not at that time.

Q. I see.

MR. DAY: We move to strike out that conversation for the reasons stated in the objection to it.

TRIAL EXAMINER LINDSAY: The motion is overruled. Let the record show an exception.

(Exception noted for Respondent.)

BY MR. HUNT:

Q. Do you know whether or not a petition was circulated among you a few weeks after that conversation with Mr. Lewis?

A. Yes, there was a circulation, or a petition circulated through the mill. It was a company union petition.

Q. By a "company union petition," you mean a petition circulated by the employes' representatives?

A. Employes' representatives of the company union. We were supposed to sign their name to it, read it and sign their name to it, and when it come down through the mill, why, only about two men, about two or three men on our end of the mill, on our roughing end signed it out of about sixty or sixty-five men. Well, then, they turned around and took it over to the office, and Mr. Lewis came on to the mill, and he says to me, "What is the matter with you fellows?"

MR. DAY: I would like to have the same objection to this line of questions.

TRIAL EXAMINER LINDSAY: Same ruling. Let the record show an exception.

(Exception noted for Respondent.)

THE WITNESS: "What is the matter with you fellows, you do not want to sign this petition? Everybody up abc .e has signed it." Well, I says, "I did not sign it," and I says, "The rest of them did not sign it." "Well," he says, "should I bring it down again?" "Well," I says, "it is immaterial to me what you do." So he went back over to the office and about 20 minutes later he brought the petition around again. Well, then, the roughers on three of the mills signed it. When I looked at the petition I seen their names on it, so I thought, well, if they signed it I might as well sign it, too, so I went ahead and signed it.

BY MR. HUNT:

Q. Do you remember, in substance, how this petition was headed?

A. It was headed something, "We, the undersigned, are satisfied with the Representation Plan and the wage and hours and conditions of the mill."

Q. What did Mr. Lewis say to you when he asked you to sign this?

A. "Well," he said to me, he says, "Well," he says, "if you boys don't sign this the result of it will be that we won't work very long." He says "Our orders will last

us, what we got, will last us about a month and a half. Then," he says, "if we don't sign this thing up and straighten it out like all the rest of th plants are doing that when the company man went out on the road at the end of the month he did not know whether he would get us any more orders or not."

Q. What else did he say?

A. That is about all he said to me.

Q. Were you present near the end of April at a meeting of head operators in your mill?

A. Yes.

Q. Were you one of those head operators?

A. Yes.

Q. How many were there at this meeting, about?

A. Well, there was about 28, I judge.

Q. Where did you meet?

A. We met in the superintendent of the mill's office.

Q. What is his name?

A. Mr. Alvin Smith.

Q. Were there any other superintendents, or foremen, present?

A. Mr. Andrew Evans, sheet mill superintendent.

Q. Who else?

A. Foreman, Mr. Dave Lewis.

Q. Did Superintendent Smith speak to you at all?

A. He give a talk in general to the men that were in the office, and he gave a general talk, and he said that we were only working black sheet orders, and that they were not very good orders, and that things were slackening up, and that the prices they had to pay to get steel here from Cleveland, and then ship it back on the lake fronts again, why, it would not hardly pay to operate the plant.

Q. What else did he say?

A. Well, he said that he thought that everybody was satisfied with the company representation plan, and that if the C. I. O. organization would come in there that there was

still a good chance of not working.

Q. The men stood a good chance of not working if the C. I. O. went in there?

A. Yes, and if we did work we would only work a day or two a week.

Q. If the C. I. O. got in?

A. Yes.

Q. Did he explain that any further, what he meant?

A. Well, no, no.

Q. All he said that if the C. I. O. got in there that what?

A. He said if the C. I. O. got in there that possibly it would shut down the plant. If it did not we would only work one or two days a week after that.

Q. I see.

Did Mr. Evans make a speech?

A. Mr. Evans got up and just asked if he wanted to say anything, and he said no. "Mr. Smith has covered about everything that I can think of."

Q. Did your foreman, Mr. Lewis, speak to you?

A. Yes.

Q. What did he say?

A. Mr. Lewis got up and he says, "Boys," he says, "we all been working good. We have all been drawing nice pay." He says, "We all been enjoying our pays, buying a lot of different things, buying new automobiles, buying new homes, and having lots of fun." He says, "If this thing happens, if C. I. O. comes in here, and there is a strike in this plant, and this plant shuts down, a lot of you boys are going to lose your homes, your automobiles, and you won't know where your next bite is coming from."

MR. HUNT: That is all.

Cross Examination

BY MR. DAY:

Q. Do you think what he said was true?

MR. HUNT: I ask that question be made more definite.

MR. DAY: He stated what he said, and I asked him if he thought what he said was true.

MR. HUNT: Which particular remark?

MR. DAY: Well, the whole remark.

MR. HUNT: He made several different remarks.

MR. DAY: No, you just said what Mr. Lewis said. The stenographer has it. Now, I am asking you whether you think that was true.

MR. HUNT: Mr. Examiner—

TRIAL EXAMINER LINDSAY: That is all right.

A. No, I do not think it is true.

BY MR. DAY:

Q. You do not think it was true?

A. No.

MR. DAY: That is all.

(Witness excused.)

ELMER JORDAN

a witness called by and on behalf of the National Labor Relations Board, and, having been first duly sworn, testified as follows:

Direct Examination

BY MR. LAUTER:

Q. State your name.

A. Elmer Jordan.

Q. Mr. Jordan, where do you reside?

A. 905 West Main Street, Massillon, Ohio.

Q. What is your present occupation?

A. C. I. O. organizer.

Q. In what area are you an organizer?

A. Massillon district.

Q. Massillon district?

A. Yes, sir.

A. I want you to speak up and answer the questions. What was your answer to my last question, Massillon district?

A. Massillon district; yes, sir.

Q. Have you been employed by Republic Steel Corporation?

A. I have.

Q. What plant?

A. Massillon plant.

Q. How long did you work there?

A. I started there in February, 1933.

Q. How long did you work?

A. Up until April, 1937.

Q. What kind of work did you do while you were in the mill?

A. I worked on different jobs. I ended up in the sheet inspection—helper in the sheet inspection department.

Q. Do you know Mr. Alvin Smith?

A. I do.

Q. Who is Mr. Alvin Smith?

A. General superintendent of the sheet division.

Q. At the Massillon plant?

A. At the Massillon plant.

Q. Have you ever had any conversation with him?

A. I have. September of 1936, I just do not remember the exact date.

Q. Suppose you state what the substance of that conversation was with Mr. Alvin Smith?

A. Mr. Charles Chase, assistant superintendent of the sheet division, came up to me after work one evening at 3 o'clock and said Alvin Smith wanted to see me in the office, so I went into Mr. Smith's office and he spoke to me. He said, "What connections do you have with this C. I. O.?" I said, "What is the C. I. O.?"

MR. DAY: I did not hear your answer?

THE WITNESS: I said, "What is the C. I. O.?"

back to him. He said, "Why, that is an organization of John L. Lewis'." I said, "Who is he?" He said, "He is president of the United Mine Workers." I said, "I never knew of him myself." That is the words I give back to him because at that time if you ever said you knew him you would have got fired.

BY MR. HUNT:

Q. Did you know who John L. Lewis was?

A. Yes.

Q. Did you know what the C. I. O. was?

A. I did. I belonged to it. There was only about two or three of us who did.

Q. And that is why you told him you did not know what it was? A. Yes.

Q. Where did this conversation occur?

A. Down in his office.

Q. Was there any further conversation between you and Mr. Smith?

A. He said, "And Mr. Jordan, you know as well as I know that the steel industries cannot be organized." He said, "The Republic Steel Corporation has too much money for a thing like that to come in here." He said, "You might organize the brick layers and carpenters, they are just a hand full of men, but you will never touch Republic Steel. You know what happened down here a few years ago to the men who took an active part in the organization. They lost their jobs. I think the best thing for you to do is lay off." I said, "Mr. Smith, I have nothing to do with it." So I went out of the office.

Q. Have you had any further conversations with Mr. Smith?

A. In about November he called me down in his office again.

Q. Suppose you state what the conversation was about at the time you spoke to Mr. Smith?

A. He said, "Your work is getting awful dissatis-

factory." He said, "You are not on the job. The foreman up there"—

Q. A little louder, please.

A. Your foreman is complaining about you not working right, talking to the men too much. He said, "You are going to leave the C. I. O. alone or you are not going to have a job here." "In other words," he said, "if they did, if they asked for recognition, we will shut this plant down because we are operating now at cost." He said, "We are only running this mill to keep jobs here for men." He said, "You know [we] are opening a big strip mill at Cleveland, Ohio." He said, "There will be a chance for some of you men to take a job." He said, "When that mill gets operating this mill will shut down." So I did not pay any attention, I walked out of the office. About February he again—Mr. Chase told me to go down into Alvin Smith's office after working hours.

Q. Is this the same Mr. Chase?

A. Yes. Mr. Chase, assistant superintendent, Mr. Charles Chase. And Mr. Smith called me in, he says, "I see that you never listened to me when I told you the first time, did you?"

MR. DAY: I did not understand that. A little louder.

A. He said, "I see that you did not listen to me when I told you before." I said, "I do not know what you are talking about." He said, "Well, I see you are one of the active men in the C. I. O. and you have guts enough to go in front of the mill and pass out papers and then come in and take your job." "I do, I absolutely have," I said. "I did not get paid for it. I am doing it for the benefit of the men in this plant." He said, "This plant is going to be shut down. The orders are getting low. We are going to shut this plant down. It seems you are all going to be out of a job." He said, "Mr. Chase thinks a lot of you. We were talking here the other day and we were figuring on

putting you on an inspection job, which you are entitled to." He said, "If you keep this thing up that you are doing now I cannot give you a job. And, in other words," he said, "we were talking about transferring you into the stainless steel department." I said, "That is where you get rid of them all. We had that in 1934." "No," he said, "you have got the wrong opinion. I mean everything I said. We were figuring on giving you that job." I said, "There are men in the department that have been there 10 years and they are still helping, and on my job there are men come in last year that are inspecting today, and then you mean to put me into an inspecting job with men there for 10 years still helping on those jobs." I said, "I would not accept. Now," I said, "I am going to tell you, I belong to the C. I. O., I belonged to it since the 29th day of May, 1936, and the department I am working in is 98 percent organized, your whole plant is 85 percent organized at this present time." I said, "Now, what are you going to do about it?" He did not say any more and I walked out.

Q. Did you ever attend a meeting called by Mr. Smith?

A. I did.

Q. Where was that meeting held?

A. That meeting was held over in Truck Garage, back of the clock house.

Q. Is that the truck garage of the Republic Plant at Massillon?

A. At Massillon. One morning we were on the 11 to 7 shift. As we come out from our shift, we went into the clock house. Mr. Chase, and I think it was Andy Evans, was standing at the clock house.

Q. Day shift or night shift?

A. Night shift. Our foreman told us to get off 15 minutes early. We did not know what it was about. We went into the clock house, and they told us to go into the garage, and Mr. Smith got up on the stool there, or a box,

it was, and he had a C. I. O. membership card, and he read this card off, that I accept membership in the Amalgamated Association. Now, he said, "Boys, I want to tell you one thing, the coal miners, the Mine Workers of America, they will assess them five or ten dollars and take everything out of their pay that they want. That is what will happen to you. They are a bunch of grafters, communists, and they are reds." He said, "The first thing you can do if you want to hold your job is lay off of this organization." He said, "In other words, this company has been running in the red for the last 3 years, merely making expenses." He said, "Up in Monroe, Mich., that plant they took over," he said, "they can operate iron for half the cost they operate it here and save shipping costs." Well, then, he said how much money the company lost in these things. I just had a book there in my pocket that I had got off of the C. I. O. that gives the profits and wages of the steel companies of the United States, which was supposed to be Government "tactics", and I read it off.

Q. You say they were Government statistics?

A. Yes. I read these out to him and he got pretty sore. I said, "If Tom Girdler can receive $144,000 a year we at least ought to get a raise." Well, he said, "Tom Girdler deserves his $144,000 a year. I already worked for 15 cents an hour." I said, "You ain't working for 15 cents an hour today." He said, "I worked myself up to the position I am sitting in." I said, "That is what I am trying to do today. I am just working."

MR. DAY: I did not hear the latter part of that answer. Will the Reporter please read it.

(Answer read.)

A. (Continued) I said to him, "A dozen eggs cost me the same price they cost you when you walk into a grocery store." And I said, "Your rollers are making $25 and $30 a day, and they cost me the same thing they cost them." I said, "And none of these men can live under the

same conditions." He said, "Do you mean to say you want these rollers cut?" I said, "No, we do not want the rollers cut, we want ourselves raised." The argument went on and there was a little laughter and the meeting broke up.

BY MR. HUNT:

Q. All the things you testified to took place in Massillon?

A. Yes.

Cross Examination

BY MR. DAY:

Q. What was your job when you were talking to Mr. Smith in the last visit?

A. My job was only an employee at the Republic Steel Corporation.

Q. In what capacity?

A. Helper in the sheet mill.

Q. You said rollers were making $30 a day?

A. Sure.

Q. Did you think they were earning it?

A. They were earning it, absolutely. I did not say they did not earn it.

Q. Why were you complaining that the rollers were making $30 a day?

A. I know rollers that made $30 a day and they did not have anything. If I made $3.52 a day I could not make a living on that. We should receive more money for our work.

Q. These rollers started at the bottom, did they not, some of them?

A. Some of them.

Q. And worked their way up?

A. Yes.

Q. You do not say now they do not earn $30 a day?

A. No. I do not say the rollers should be cut, but if I

say a roller receives $30 a day we should receive just wages that we could make an honest living on.

Q. How long have you been working for the Republic Steel Corporation?

A. Since 1933.

Q. Since 1933?

A. Yes.

Q. And this talk took place when?

A. In 1937.

Q. You had only been there about three or four years?

A. Yes, there were some there for six months that went up above me.

Q. Where did you work before you worked for Republic?

A. I worked for the N. O. P. & L.

Q. That is the street car company?

A. Yes.

Q. In what capacity?

A. In the barn.

Q. In the barn?

A. Yes.

Q. Had you ever been a steel worker before that?

A. No.

Q. You had never been a steel worker until you started for Republic in 1933; is that right?

A. Uh-huh.

Q. And you were in there kicking because you weren't making more money; is that right?

A. That is right.

Q. You started out as an organizer for the C. I. O. when?

A. In the latter part of April in 1937.

Q. You were one of the first over there in Massillon; weren't you?

A. Signed up in the C. I. O., I was.

Q. Who signed you up?

A. Why, Howard Porter from Portsmouth, Ohio.

Q. Who else signed up at that time with you?

MR. LAUTER: Just a minute.

TRIAL EXAMINER LINDSAY: That is immaterial.

BY MR. DAY:

Q. Well, how many men?

TRIAL EXAMINER LINDSAY: Just a minute.

BY MR. DAY:

Q. Never mind the names. How many men?

MR. LAUTER: Well—

A. I don't know how many they signed up. They signed me up in my own home by myself.

MR. LAUTER: Let the record show—I assume you are consenting to withdrawing that question?

MR. DAY: No, I do not consent to it. The Court sustained the objection to it.

MR. LAUTER: Well, I had made an objection. I was on my feet and I hadn't a chance—may I make a formal objection for the record to the particular question that asked for the names of the others who joined the C. I. O.?

MR. DAY: The record shows that it is sustained, as I understand.

TRIAL EXAMINER LINDSAY: That is sustained, yes.

MR. DAY: And we except.

BY MR. DAY:

Q. Without giving the names, how many joined the C. I. O. at that time out of your Massillon plant?

A. I couldn't tell you how many joined the C. I. O. at that time. I signed up at the house, myself.

Q. Well, how many became organizers of the C. I. O. at the time that you became an organizer?

A. Why, I don't think anybody did. I quit the Mass-

illon plant and came over to Canton and asked Mr. Hardesty for a job and he gave it to me.

Q. And you got your job as a C. I. O. organizer from Hardesty?

A. I did.

Q. Hardesty was here in Canton?

A. Yes, sir.

Q. And he was the head of the S. W. O. C., wasn't he?

A. He was regional director.

Q. But you kept on working in the Massillon mill?

A. I did not. I quit the plant two weeks before I got this job.

Q. Well, you started out as a C. I. O. organizer in April of what year?

A. Of this year.

Q. Of 1937?

A. Yes, sir.

Q. Now, when was it you had the talk with Mr. Smith, when he said—

A. In February of 1937.

Q. Well, at that time you had joined the C. I. O., hadn't you?

A. I absolutely had.

Q. You were an organizer?

A. I was not an organizer.

Q. I see. When did you join the C. I. O.?

A. The 29th day of July, 1936.

Q. Were you one of the first Massillon men that joined the C. I. O.?

A. I couldn't tell you whether I was the first. I was one of these that just came in about that time.

Q. You kept back that you joined the C. I. O. a secret how long over there at Massillon?

MR. LAUTER: I object to the form of the question.

MR. DAY: What is the matter with the form of

the question? This is cross examination?

MR. LAUTER: I object to the form of the question. May we have a ruling on it, please?

MR. DAY: If the Court please—

TRIAL EXAMINER LINDSAY: Your objection is overruled. Let the record show an exception.

(Exception noted for the board.)

MR. DAY: Now read him the question.

(The question was read as above recorded.)

A. I didn't keep it a secret no time with the men. I signed lots of men up myself.

BY MR. DAY:

Q. You kept it a secret from the officers of the company, didn't you?

A. Why should I go in and tell them?

Q. Never mind why you should. My question is, you kept it a secret from the officers of the company, didn't you?

MR. LAUTER: I want to object to the form of the question as calling for a conclusion.

MR. DAY: If the Court please, this is cross examination.

TRIAL EXAMINER LINDSAY: The objection is overruled. Let the record show an exception.

(Exception noted for the board.)

BY MR. DAY:

Q. You kept it a secret from the officers of the company, didn't you?

A. I did.

Q. You kept it a secret from your foreman, didn't you?

A. Not very well, until he knew it anyhow.

Q. What is that?

A. Not very long until they knew it.

Q. Now, this Mr. Smith that you are talking about, what was he, an assistant superintendent?

A. Mr. Smith is a general superintendent.

Q. You kept it a secret from him, didn't you?

A. Well, I never—he never spoke to me until the time I was called to his office. I wouldn't know why I should go and tell him why I belonged to the C. I. O.

Q. You didn't tell Chase about it either, did you?

A. No, I never talked to Chase before that.

MR. LAUTER: I am sorry to interrupt. If it please the Examiner, may I have an objection to this type of question. It is the third time it is asked. I would like the record to note my objection.

TRIAL EXAMINER LINDSAY: Yes.

MR. LAUTER: I am sorry for interrupting.

TRIAL EXAMINER LINDSAY: That is all right. The objection is overruled. Let the record show an exception.

(Exception noted for the board.)

MR. DAY: I just want to address the Examiner now and say that if Counsel for the Labor Board has the impression that you cannot ask a leading question on cross examination—

TRIAL EXAMINER LINDSAY: Oh, no. Let's not go into that.

MR. DAY: All right.

TRIAL EXAMINER LINDSAY: You ask as many leading ones as he does.

MR. DAY: I haven't had a chance, yet, because I have been cross examining all the time. I haven't had a chance to lead my own witnesses.

TRIAL EXAMINER LINDSAY: All right. Just go ahead.

MR. DAY: All right. I will go ahead.

BY MR. DAY:

Q. When was it you had the talk with Smith?

A. Smith?

Q. Yes?

A. Well, I had a couple of different talks with him?

Q. When was it that he talked about the C. I. O.?
A. That was September of 1936.
Q. You belonged to the C. I. O., didn't you?
A. Why, I certainly did.
Q. And drawing Republic money then, weren't you?
A. I absolutely was.
Q. Yes. And you told him that you never heard of the C. I. O., didn't you?
A. Sure, I did.
Q. And that was a falsehood, wasn't it?
A. It was a falsehood. It was only that I keep my job at the present time.
Q. Well, you had heard of the C. I. O., hadn't you?
A. I did. I belonged to it.
Q. Well, that was a falsehood to say that you never heard of it, wasn't it?
A. Why should I tell a superintendent?
Q. Never mind why you should or why you shouldn't. It was a falsehood, wasn't it? Wasn't it?
A. It was a falsehood. It was protection of my job at that present time. The way I feel—
Q. And then he mentioned the name of John L. Lewis; isn't that right?
A. Yes, he did.
Q. You said, "Who is John L. Lewis?"
A. I did. I did. That is what I said.
Q. And then you said you had never heard of John L. Lewis?
A. I absolutely said that.
Q. Well, you had heard of him, hadn't you?
A. Sure did.
Q. That was a falsehood, too, wasn't it?
A. I had to be false.
Q. You had to be false?
A. Uh-huh.
Q. In order to do what?

A. To stay on the job, because I had seen what happened to guys a couple of years before that.

Q. To stay on your job and work in secret for the C. I. O.; is that right?

A. No, not work in secret. The C. I. O. didn't give me five cents.

Q. Do you know any other men over in the mill that were working secretly for C. I. O.?

MR. LAUTER: I object to that question.

A. I do not.

TRIAL EXAMINER LINDSAY: Sustained.

BY MR. DAY:

Q. Well, without attempting to give me names were there, to your knowledge, any other men working secretly for the C. I. O. in the mill?

A. There was nobody working secretly already, the C. I. O., myself neither.

Q. All right. And then in February, 1937, after you had talked several times to Mr. Smith, and you told him, "I belong to the C. I. O."; didn't you?

A. I did.

Q. Had you talked to Frank Hardesty about your organizing job over in Canton before you said that?

A. No, I did not.

Q. Well, how soon after you said that, "I belong to the C. I. O.", did you get your organizing job through Frank Hardesty?

A. Well, it was February, March. I didn't quit until April in the mill, then I didn't get my job when I quit, either.

Q. How long did you stay over in the Republic plant after you told Mr. Smith that you had joined the C. I. O.?

A. I stayed there until April, but I got very little work.

Q. For about a month?

A. More than a month.

Q. And then you got the organizing job, is that right?
A. That is right.
Q. And you left Republic?
A. Right. I quit Republic two weeks before I got the organizing job.
Q. Did you know you were going to get it?
A. No, I didn't.
Q. Had you talked to Frank Hardesty about it?
TRIAL EXAMINER LINDSAY: That is immaterial.
A. No, I didn't talk to Frank.
TRIAL EXAMINER LINDSAY: Let's not go into that.
BY MR. DAY:
Q. What is the lodge you belong to over in Massillon?
A. New Deal Lodge, 1124.
Q. Are you an officer of it?
A. I was president of the lodge.
Q. For how long?
A. Until April.
Q. Until April?
A. Yes, sir.
Q. Starting when?
A. Starting in last November.
Q. Last November?
A. Yes, got the charter in December, I think.
Q. And then you quit being president of it when you took over your organizing job?
A. I did.
Q. Where were you the night of July 11, 1937?
A. In my home at Massillon, Ohio.
MR. LAUTER: I am objecting to the interrogation with respect to July 11. There has been no testimony under direct examination of this witness with respect to that event.
MR. DAY: I asked him that question because July 11—

TRIAL EXAMINER LINDSAY: I will sustain that objection as to where he was on July the 11th.

MR. DAY: Well, I want—

TRIAL EXAMINER LINDSAY: You may have an exception.

MR. DAY: Unless the Examiner has in mind what happened July 11th.

TRIAL EXAMINER LINDSAY: That is immaterial. If you want to get into it, you know how to get into it.

BY MR. DAY:

Q. Well, were you there the night of the riot?

MR. LAUTER: I object to the question. The question is along the same line of inquiry.

TRIAL EXAMINER LINDSAY: The way the question is put, I will sustain the objection.

BY MR. DAY:

Q. Were you there at C. I. O. headquarters the night of July 11th, when the trouble occurred between the police and some of the strikers and pickets?

MR. LAUTER: If it please the Examiner, it is perfectly obvious that Counsel for the Company is continuing along this line of inquiry, and I am going to ask that he be restrained from continuing any further with this witness. Now, he knows the reason why. It is a perfectly clear rule of evidence that you cannot cross examine a witness on something that has not been brought out on direct examination.

MR. DAY: Now, just a moment on that. The rules of the Board, Mr. Examiner—I am addressing you—the Board provides that the ordinary rules of evidence in court do not apply.

TRIAL EXAMINER LINDSAY: Well, I know the rules of the Board just as well as you do, so I think—

MR. DAY: I have no doubt of that, sir.

TRIAL EXAMINER LINDSAY: We won't argue that point at all.

MR. DAY: If we are going to be bound—

TRIAL EXAMINER LINDSAY: That is all right. Let's not argue about it.

MR. DAY: I don't want to argue. I would like to suggest—

TRIAL EXAMINER LINDSAY: Give me a chance to rule, and then you can talk all you want to after I rule.

MR. DAY: All right.

TRIAL EXAMINER LINDSAY: The objection is overruled. Let the record show an exception. If you gentlemen will just wait a minute.

(Exception noted for the Board.)

MR. DAY: All right. I beg your pardon. Read the question to the witness, please.

(The record was read as above recorded.)

MR. LAUTER: Do I understand that there has been a ruling on my objection, Mr. Examiner?

TRIAL EXAMINER LINDSAY: Yes.

MR. LAUTER: I would like to point out that the two previous questions to which my objections were sustained were directly along the same line of inquiry. I want to note my objection on that general basis again for the record.

TRIAL EXAMINER LINDSAY: Well, I think not, Mr. Lauter. Your objections were not sustained on that order at all.

MR. LAUTER: I am sorry. I didn't hear what you said.

TRIAL EXAMINER LINDSAY: I say your objections were not sustained for that particular reason.

MR. LAUTER: I see.

MR. DAY: Now, will you read the question?

(The question was again read as above recorded.)

A. I was not.

BY MR. DAY:

Q. Did you go over to Youngstown, Ohio, when there was trouble over there? Were you there?

MR. LAUTER: I object—

A. No, I wasn't.

MR. LAUTER—first, on the ground that no time has been fixed; secondly, on the ground it is outside of the scope of cross examination.

TRIAL EXAMINER LINDSAY: I will sustain that objection. Let the record show an exception.

(Exception noted for the respondent.)

BY MR. DAY:

Q. Did you go over to Youngstown when some rubber workers came down from Akron?

MR. LAUTER: Again I ask the time to be fixed.

MR. DAY: Wait a minute until I finish my question.

MR. LAUTER: I am sorry. I thought you had finished.

BY MR. DAY:

Q. (Continuing) Some time in May or June, 1937?

MR. LAUTER: One second. I object. I am going to object to this question on the ground it is outside of the scope of cross examination.

TRIAL EXAMINER LINDSAY: I will overrule your objection. Let the record show an exception.

(Exception noted for the Board.)

(The question was read as above recorded.)

A. I don't know whether there was any rubber workers that went down to Youngstown, but I was in Youngstown in June of 1937.

BY MR. DAY:

Q. At the time there was some trouble over there?

A. I don't think there was any trouble there when I was there.

Q. No trouble when you were there?

A. No. I didn't see any trouble.

Q. I see.

MR. DAY: Now, Mr. Lauter, will you step up here, please?

(There was a discussion off the record.)

MR. DAY: I think that is all.

(Witness excused.)

JOE MORTON

a witness called by and on behalf of the National Labor Relations Board, and, having been first duly sworn, testified as follows:

Direct Examination

BY MR. LAUTER:

Q. Your name is Joe Morton?

A. Joe Morton.

Q. Mr. Morton, where do you reside?

A. 1244 Johnson Street, Southeast, Massillon, Ohio.

Q. Have you been employed by the Republic Steel Corporation at the Massillon plant?

A. I am.

Q. When did you start working for them?

A. In May of 1928.

Q. How long did you work for them?

A. Up until the 25th day of May, 1937.

Q. In what capacity did you work for them?

A. As a catcher in the hot mill.

Q. Are you a member of the C. I. O.?

A. I am.

Q. When did you join?

A. About December the 15th, 1936.

Q. Do you hold any office in the lodge at Massillon?

A. I am the president of the lodge in Massillon.

Q. What is the name of the local?

A. New Deal Lodge, 1124.

Q. You are president at the present time?

A. I am.

Q. Did you attend a meeting held in the Massillon main office auditorium on May 11, 1937?

A. I did.

Q. What time of the day did that meeting take place?

A. About seven or seven thirty.

Q. Will you describe what happened at that meeting?

A. Well, at that meeting Nick Lincolnhaley—

Q. Who is Nick Lincolnhaley?

A. Nick Lincolnhaley is the chairman of the company union.

Q. You mean the Employees' Representation Plan?

A. The Employees' Representation Plan, yes, sir.

Q. At Massillon?

A. At Massillon.

MR. PONTIUS: What is that date? May 11, 1937?

MR. LAUTER: That is right.

A. (Continuing) And Nick Lincolnhaley addressed the meeting, and his main topic was that the Employees' Representation Plan had been so good, so successful in cooperating with the employees in the company in getting the present wage increases. And they also passed out literature—not literature, but cards, membership cards to be signed by the members or the employees of the Republic Steel in that hall. As far as I know, they didn't get any signers. And then—

BY MR. LAUTER:

Q. Just one second. I hand you Board's Exhibit No. 48 and ask you whether or not that is a card similar to the ones which they passed out on May 11, 1937?

A. They did.

Q. At the meeting?

A. Yes, sir.

Q. Now continue your description of what took place at the meeting.

A. When Nick Lincolnhaley got through talking and

hit the C. I. O., that the C. I. O. was not a fit organization to belong to, that if the Republic Steel was forced to recognize the C. I. O., that they would have to close down the plant on account of the high cost of operation, and that being an old mill, Massillon would be without the Republic Steel.

Q. Did Nick Lincolnhaley hold any office in the Employees' Representation Plan?

A. He is the chairman of the Employees' Representation Plan.

Q. 1936 and 1937?

A. 1937 I know he was. I am not sure of 1936.

Q. I see. Now continue on and tell me what happened at that meeting.

A. After Nick Lincolnhaley got through talking, he introduced Nate Brown.

Q. Who is Nate Brown?

A. He is secretary of the Employees' Representation Plan in Massillon. And Nate Brown got through talking, why, I asked for the floor. They didn't recognize me when I asked for the floor, so I just went up and took the floor. They had a loudspeaker system there. There was about 2500 people in the auditorium at that time, and I told the people there that the statements that Nick Lincolnhaley made were false, and that the Employees' Representation Plan didn't get us the recent wage increase, but the C. I. O. did. And before we got this increase the United States Steel had recognized the C. I. O. and they had given an increase there. Ours followed immediately afterward. But there wasn't—that wasn't on account of the Employees' Representation Plan, and that as far as I knew, why, they couldn't prove any representative any too honest for me in the place. And I left the stand at that time and Nick Lincolnhaley —

Q. What did you mean when you said "they couldn't prove any of the representatives too honest for me?"

A. Because any time that I ever went to a representa-

tive, I was turned down flat.

Q. Did you make any statement at that meeting with respect to any of the representatives?

A. I did.

Q. What representative?

A. Lon Rutherford.

Q. What did you say?

A. Well, to get the story right, when Nick Lincolnhaley asked me to prove that any representative had been dishonest, I told him, "You asked for it, and you are getting it." So I got back up there and I proved it to him. I asked Mr. Lon Rutherford to get ready to deny any statement that I made. I says, "If Mr. Lon Rutherford thinks he is honest about this, he will deny it." I made the statement, Mr. Lon Rutherford, representative at the sheets division, the hot mill, what had taken place about six months earlier between me and the management, and Rutherford—and how Rutherford had turned us down. And after I got through talking I asked Rutherford to get up and deny the statements, and Rutherford would not get up and deny the statements.

Q. Was Rutherford there?

A. Rutherford was there.

Q. Now, was there any discussion at that meeting at which Board's Exhibit No. 48 was distributed concerning dues under the Employes' Representation Association?

A. There was.

Q. What was stated with respect to that matter?

A. It was stated that the dues would be 50 cents for three months.

Q. How long did that meeting last?

A. Why, we was there about two hours.

Q. Who is Mr. Alvin E. Smith?

A. Mr. Alvin E. Smith is hot mill superintendent.

Q. Did he attend a meeting in March of this year?

A. He did.

Q. Where was that meeting held?

A. That meeting was held in the garage connected with the clock house in the sheet division.

Q. That is part of the Republic plant?

A. Part of the Republic place.

Q. Will you describe that meeting, please?

A. At that meeting Mr. Smith presided, and his topic was that he didn't want any of the members there to join the C. I. O., or to join any outside organization, that the Employes' Representation Plan had been very successful there, and that we had gotten our recent wage increases through the Employes' Representative Plan, and that if the C. I. O. had to be recognized by the Republic Steel they would close down before they would recognize the C. I. O. The high cost of operating under a union contract would not let them work. He also stated that he would hate like hell to see grass growing in the streets of Massillon.

Q. Who is Mr. David Lewis?

A. David Lewis is the hot mill turn foreman.

Q. Who is Mr. Hayden Bright?

A. Mr. Hayden Bright is the hot mill turn foreman.

Q. Did you ever have any conversations with them?

A. I have.

Q. Tell me what the conversations were that you had with them?

MR. PONTIUS: When? When?

BY MR. LAUTER:

Q. Fix the time.

A. Well, the time I could say was anywhere from December until the strike was called, and quite a number of times.

Q. You had quite a number of conversations with these men?

A. Quite a number of conversations. It would be impossible to fix the time of any one of them. Mr. Hayden Bright and Mr. Lewis seen me on various occasions talking

to men in the mill while they were off duty, and when he would see me talking to a man, and figured that I was talking union to him, they would immediately contact me and ask me to leave the men alone. "Don't talk union to him." Sometimes I wasn't talking union to them; there was times that I was talking union. But they also stated it was part of their jobs—

MR. DAY: Now, may me have an objection—

THE WITNESS: —to break up this—

TRIAL EXAMINER LINDSAY: What is that?

MR. DAY: I would like to have an objection to his talk with Mr. Lewis and with Mr. Hayden Bright on the grounds that we have already stated.

TRIAL EXAMINER LINDSAY: Yes. Objection overruled. Let the record show an exception.

(Exception noted for respondent.)

A. Mr. Lewis and Mr. Bright were on two different turns, one turn relieved us and the other turn we relieved; and it was at these changes of turns that they would see me talking with the men. They would contact me and tell me not to talk union to the men. And they said that it was part of their jobs to break up this union, this C. I. O. movement here in the Republic Steel, because, "We got to do that. If the C. I. O. gets in here our jobs are done."

BY MR. LAUTER:

Q. Now, do you know a millwright whose first name is Paul?

A. I do.

Q. What is his full name?

A. Paul Irwin.

Q. Irwin?

A. I-r-w-i-n.

Q. Did you have any conversation with him on May 20, 1937?

A. I did.

Q. State for the record what the substance of that conversation was?

MR. PONTIUS: Object to the conversation.

TRIAL EXAMINER LINDSAY: Objection is overruled. Let the record show an exception. Proceed with the examination of this witness.

(Exception noted for Respondent.)

A. About 7:30 p. m., May 20th, I was on my relief. My buddy was working, and I had a 15-minute still. I went back and sit down on a pile of sheet iron. Paul came over there and sit down beside me and patted me on the back. "Well," he said, "I guess the mill is going down about 9, 10 o'clock tonight." I says, "What do you mean going down?" "Well," he says, "they are just closing down, that is all." I said, "How do you know?" "Well," he says, "I am a millwright," and he says, "there is a lot of things that I know that I have to know beforehand." And at 9 o'clock that night the mills did close down.

BY MR. LAUTER:

Q. Had there been any talk about shut down of the mill prior to May 20, 1937?

A. Not that kind of a shut down.

Q. Well, you testified before about a conversation at which some foremen said the mill would be shut down before they would recognize the C. I. O.; is that correct?

A. That is correct.

MR. PONTIUS: I object to that. He didn't say that. I ask the answer be stricken out.

TRIAL EXAMINER LINDSAY: Just a minute. I didn't catch that on account of the door closing.

(Record read.)

TRIAL EXAMINER LINDSAY: The objection is overruled. Let the record show an exception. That is in the testimony.

(Exception noted for Respondent.)

BY MR. LAUTER:

Q. Now, on May 20, 1937, the mill did shut down; is that correct?

A. It did.

Q. Who was Mr. David Lewis?

A. Mr. David Lewis was the hot mill turn foreman.

Q. Did you have any conversations subsequent to May 20, 1937, with him?

A. I did. It was either on the 21st or the 22nd of May, about 6 p. m. I was walking down Main Street West, and I met Mr. Lewis, before the Lincoln Theatre. I stopped and talked with Mr. Lewis, and Mr. Lewis says, "Well, I guess"—

MR. PONTIUS: We object to that conversation on the same ground.

TRIAL EXAMINER LINDSAY: Yes, and the objection is overruled, and let the record show an exception.

A. Mr. Lewis said, "I guess you will have enough of this strike when the company gets done with you." I said, "What do you mean 'when the company gets done with me' "? He says, "When we get through starving you out." "Why," he said, "You won't want to strike."

BY MR. LAUTER:

Q. I want to revert for a moment to this meeting of May 11th. When did you arrive at the meeting?

A. I was there about 6:30.

Q. When you came there was there anyone in the hall?

A. Not that I know of, because there was a bunch of men outside, and I asked them if they could get them, and they said, "You can't get in yet."

Q. Well, finally, you did get into the hall that night?

A. We did.

Q. Were you among the first to get in?

A. I was among the first to get in.

Q. Describe what you saw inside?

A. When I went inside there was practically the whole office force was seated, a lot of men seated that I don't believe I seen working in Republic Steel down there, although I don't possibly know all of them that worked

there. And when the men got inside and followed me in, we all had to stand. I finally went in another room and got a chair and sat down.

Q. Now, on the platform during this meeting, you mentioned that Mr. Lincolnhaley, who was the chairman of the Employes' Representation Plan, was there?

A. Yes, he was.

Q. And Nate Brown, the secretary?

A. Yes, sir.

Q. Was there any other representative on the platform?

A. I think there were nine other representatives besides them.

Q. I see.

MR. LAUTER: That is all.

Cross Examination

BY MR. PONTIUS:

Q. Now, you are Joseph Morton?

A. Right.

Q. Where do you live, Mr. Morton?

A. 1244 Johnson Street, Southeast, Massillon.

Q. How long have you lived in Massillon?

A. Why, oh, lived there about 11 years. I was away from there for a year.

Q. Where did you live before you went to Massillon?

A. At Edena, Ohio.

Q. Edena?

A. Edena.

Q. How long have you been a steel worker?

A. For about 10 years.

Q. Where?

A. Massillon.

Q. In the Republic plant?

A. In the Eaton Spring, the Union Drawn Steel, and

the Republic Steel.

Q. How long have you been employed at the Republic Steel plant?

A. About 9 years.

Q. In what capacity?

A. Catcher.

Q. In any particular mill there?

A. I have been with one crew, but we went from No. 8 to No. 5 mill, the only change that was made.

Q. I see.

Now, you are the president of the lodge in Massillon?

A. Yes, sir.

Q. What is the name of that lodge?

A. New Deal Lodge, 1124.

Q. How long have you been president of that lodge?

A. Since April, 1937.

Q. When did you join the C. I. O.?

A. About December 15th.

Q. How did you come to join them? I mean, who was the men that got you to join?

A. I looked for a man for a week before I found one to join.

Q. That is, you hunted somebody up to join?

A. Yes, had to.

Q. I see. Who did you find, finally?

A. I don't know the name of the man. He gave me a card and I signed it and took it down to the next meeting. He told me when the next meeting would be.

Q. The next meeting in Massillon?

A. Yes. December 19th.

Q. That is, there was no one in your department that had belonged to the C. I. O. at that time; is that right?

A. Well—

Q. That you knew about?

A. That I knew about?

Q. That you knew about?

A. No, they was afraid to say it. If anybody let it out they would have got fired.

MR. PONTIUS: Now, I ask that latter part of the answer be stricken out.

TRIAL EXAMINER LINDSAY: Yes, that should be stricken.

MR. PONTIUS: Irresponsive.

BY MR. PONTIUS:

Q. You didn't get fired, did you?

A. No, I didn't get fired.

Q. You worked up until the time of the strike, didn't you?

A. That is right.

Q. Yes, sir. And some of the officials knew you belonged to the C. I. O.?

A. Yes, sir.

Q. Didn't they?

A. And the superintendent also threatened to fire me.

Q. But you weren't fired, were you?

A. I was not fired.

Q. What superintendent threatened to fire you?

A. Andy Evans.

Q. Andy Evans?

A. Yes.

Q. When did he threaten to fire you?

A. When I passed the pickler, one of the colored picklers motioned for me to go over there, and I went over there, and he said, "When is that colored dance going to be?" And I told him when the colored dance was going to be, and I walked away. Andy Evans come down. And he says, "What the hell were you doing up there talking to that big nigger?" I says, "He is not a nigger, he is a colored man." "Well," he says, "what were you up there talking to him for?" I says, "Because he asked me to go over there." "What did you say?" "Well," I said, "about the dance." He says, "you are sure you wasn't

talking about the union?" I says, "No." "You are a damn liar," he says, "you are getting fired right here," and I said, "Well, if you want to fire me now is the time to fire me," and I said, "I don't believe you got the guts to do it." He said, "Well, you know that, too," he said. And he didn't fire me.

MR. PONTIUS: I asked the question, Your Honor, when he had threatened to fire him, and this response was given, and I ask it be stricken out.

TRIAL EXAMINER LINDSAY: The answer will remain. You asked for it.

MR. PONTIUS: I said, "When was that?"

TRIAL EXAMINER LINDSAY: Just a minute, now.

BY MR. PONTIUS:

Q. When was that? That is the question?

A. About the middle of April.

Q. And you continued to work up until what time?

A. Up until the 25th of May.

Q. Yes, sir. Until the strike was called?

A. That is right.

Q. You worked at your job all of that time?

A. All of that time; yes, sir.

Q. Yes, sir.

So, although they knew you were a C. I. O. they didn't fire you, did they?

A. No, they didn't.

Q. No.

A. But they made it plenty tough for me nearly all the time that I was in there.

MR. PONTIUS: Well, I ask that the latter part of that answer be stricken out as irresponsive.

TRIAL EXAMINER LINDSAY: I will leave it stand.

MR. PONTIUS: Exception.

(Exception noted for Respondent.)

BY MR. PONTIUS:

Q. In what way did they make it tough for you?

A. Well, when Nate came around and they seen my nick with a little more smoke than there should be on, come around and say "Get that nick down there. You are going to get out of that place." I would get the nick down. They would come around a little later and would find a piece of scrap iron on—how it got on there I don't know. Before they knew that I was the president of the local none of that stuff ever happened. I was complimented on my work, but after that I was called down to the office and told that my work wasn't satisfactory, and that the men were kicking because I belonged to the C. I. O. And they continued to make it tough for me.

When they saw me walk away from the mill, the superintendent, if he saw me, he would come up to me and tell me, "Why don't you get back on your job, loafing around back here?"

Q. You had never done that before, had you?

A. I did that for 9 years and it was never brought up to me like that before.

Q. Never brought up to you before then?

A. Never was.

Q. Who were some of these men that did these things to you? Who were they?

A. Mr. Andy Evans and Dave Lewis.

Q. What connection did they have with the Republic Steel?

A. Why, Andy Evans was the hot mill superintendent and Dave Lewis was the turn foreman, and when he would come out to work—

Q. Yes.

A. —when he didn't have no authority over me at all he would be there an hour early and see me walk away from the people, he would give me hell for it, when my turn foreman wouldn't do it.

Q. And it is a fact that these men that worked with you complained about you, wasn't that true?

A. That is not true.

Q. How do you know that?

A. Because I confronted these men and asked them if they complained about me, that I was willing to quit the mill and quit the Republic Steel Corporation if they didn't like my work. They says, "Anybody that told you that is a damn liar and we are sticking with you."

Q. So the men that worked with you stuck with you, then?

A. They stuck with me until the strike.

Q. And what this man Lewis said to you wasn't true at all?

A. What Lewis said to me?

Q. Yes.

A. Absolutely, it wasn't true.

Q. It wasn't true, no.

Now, going to this meeting of May 11th. That was after they knew you were chairman of the C. I. O., wasn't it?

A. That is right.

Q. Going to that meeting, everybody in the plant were notified to be there, were they?

A. All except those out on vacation.

Q. Well, all the men that were working then were notified to be at this meeting?

A. I don't know. I was on my vacation at that time.

Q. Well, you got notice of the meeting, didn't you?

A. Yes, one of the men came up and told me about it.

Q. Yes, sir. And you went to the meeting?

A. I did.

Q. And men who had been representatives of the Employes' Representation Plan were notified; is that right?

A. That is right.

Q. Yes, sir.

Now, you knew about this Employes' Representation Plan, didn't you?

A. I knew a little bit too much about that. That is why I wanted to get rid of it.

Q. You knew about it, didn't you?

A. Sure, I did.

Q. You had one of their constitutions and by-laws, hadn't you?

A. That is right.

Q. Yes, sir.

Did you ever make a complaint in there about anything in that shop?

A. I made several of them but I never saw anything come of them after I made them.

Q. Yes.

MR. PONTIUS: Now, I ask that that latter part of the answer be stricken out as irresponsive.

TRIAL EXAMINER LINDSAY: Yes, that may be stricken.

BY MR. PONTIUS:

Q. You made several written complaints, you say?

A. Yes.

Q. About conditions in that plant?

A. Yes.

Q. Is that right?

A. Yes.

Q. When did you make the first one?

A. The first one I made about six months before the strike come on. I gave it to Lon Rutherford, a representative in our department.

Q. Yes, sir. When did you make another complaint in writing?

A. Another complaint was made about two weeks later.

Q. Yes.

A. About the same complaint.

Q. In writing?

A. That is right.

Q. Yes, sir. And he was the representative?

A. He was the representative.

Q. Yes, sir.

Now, didn't you know that if you got no action on that, that you could take an appeal to the committee that had charge of appeals? Didn't you know that?

A. Listen. If you knew how that committee was, when you watched it, you wouldn't see—

Q. Didn't you know that your constitution and by-laws provided for that?

A. For a company union, you mean that I would try to follow that stuff up?

Q. Well, you made a written complaint, didn't you?

A. Sure, I made a written complaint.

Q. Yes.

A. I went so high in the later part as to complain to Mr. Cole Meyers and Lohneis there. Still didn't get no response.

Q. No response on these written complaints that you made?

A. Absolutely not.

Q. Didn't you know that there was a committee of the workmen known as the Appeals Committee?

MR. LAUTER: If it please the Examiner, I want to point out that the procedure under this Plan is adequately described in the booklet. I am afraid Counsel for the Company himself is not sufficiently informed in respect to the manner in which appeals are taken. Appeals are taken by members by representatives and not by men who are not representatives under that Plan.

MR. PONTIUS: I don't think that is true at all.

MR. LAUTER: Well, now—

MR. PONTIUS: I beg your pardon about that.

MR. TRIAL EXAMINER LINDSAY: We are not going to argue about that but let me see that thing a minute.

MR. LAUTER: All right, suppose we do.

MR. PONTIUS: There are three of them here.

MR. LAUTER: You will find a reference to a No. 2 committee and a No. 4 committee; No. 2 is a wage committee and No. 4 is appeals committee.

TRIAL EXAMINER LINDSAY: Yes. I will sustain that objection.

MR. PONTIUS: If the Court please—pardon me.

TRIAL EXAMINER LINDSAY: You may have an exception.

(Exception noted for Respondent.)

MR. PONTIUS: On page 7, the latter part of the page.

TRIAL EXAMINER LINDSAY: Yes.

MR. PONTIUS: I don't mean to take the time, but I thought that was clear at the bottom of that page there.

BY MR. PONTIUS:

Q. Well, at any rate, Mr. Cox, you saw in here today, Leo Cox?

A. Yes, sir.

Q. Who was the C. I. O. man in that plant; you knew that, didn't you?

A. I didn't know it at the time.

Q. You didn't know it?

A. Not until after the strike was called.

Q. Until after the strike was called?

A. That is right.

Q. Wasn't he the chairman of the appeals committee?

A. I do not know.

Q. You didn't know that?

A. I didn't know Mr. Cox was chairman in the appeals committee because when I wanted to carry that case

higher Lon Rutherford said, "I will take care of it for you. No use for you to bother yourself about it." And I let him take care of it.

Q. That was Lon Rutherford?

A. Yes, sir.

Q. What position did he have over there?

A. He was a representative of the hot mill department.

Q. I see.

Now, you had a talk with Paul Irwin some time?

A. Yes, sir.

Q. Who is he?

A. He is a millwright.

Q. Do I understand you to say that the plant was closed on the 20th of May over there?

A. I believe it was.

Q. What?

A. I believe—I believe it was May 20th, 9:30 p. m., or 9 o'clock.

Q. Was it closed in Massillon before the strike was called?

A. It was. Our department was down completely.

Q. Yes, sir. Now, as a matter of fact, that Massillon mill is an old mill, isn't it, Mr. Morton?

A. No, it is not an old mill. That mill there about 5 years ago was put up, the latest hot mill in the country.

Q. Yes, sir. So that when this man Linconhaley said to you that it was an old mill that wasn't true, was it?

A. Not about the hot mill it wasn't true.

Q. Well, how about the rest of the plant? Wasn't that an old plant over there?

A. About the rest of the plant?

MR. LAUTER: Now, one second. If it please the Examiner, as far as I know, I asked no questions on direct examination which would qualify this witness as an expert on steel mills, whether it was an old mill or

a new mill. I am objecting to this line of inquiry.

MR. PONTIUS: It is cross-examination, and this man—

MR. LAUTER: Certainly those who own the steel mill would be able to bring in plenty of evidence as to whether or not the mills are old or new.

MR. PONTIUS: He testified about some conversation concerning this.

MR. LAUTER: Not his expert opinion as to whether it is old or new. You are asking him about his opinion. I just want a ruling on my objection, if you please.

TRIAL EXAMINER LINDSAY: I will overrule your objection. Let the record show an exception.

(Exception noted for Board.)

(The record was read as above recorded.)

A. The blast furnace and the coke oven was new, and the end roll department was new, and the sheet mill was modern, and about the rest of the plants I can't tell you much about them.

BY MR. PONTIUS:

Q. This conversation that you have related that you had with Mr. Lincolnhaley, did that take place at this meeting that night?

A. That is right.

Q. That is the only conversation you ever had with him, or any talk from him; is that right?

A. That is all. That is the first time that I have talked with Nick Lincolnhaley.

Q. Yes, sir. And what took place at that meeting, May 11th, is what you are referring to when you say that this gentleman made certain statements; is that right?

A. That is right.

Q. Now, who else made some statements the night of that meeting?

A. Nate Brown praised the company union.

Q. What?

A. Nate Brown praised the company union, and he says that he wouldn't join the C. I. O.

Q. I am not asking you what they said. I am trying to find out who you say made statements before that meeting?

A. I don't know. There was quite a number of them.

Q. Well, can you name anybody else? Now, you have named two.

A. Well, there is one boy there they called Red Mix, and another one, Theodore Jones.

Q. Yes.

A. And that is all I have seen. I left the meeting.

Q. How many people were there and heard whatever they said?

A. About 2,500 people.

Q. Employes and others of the Republic Steel?

A. I don't know if they were employes or not.

Q. They were there in some hall in the office building; is that right?

A. They were in the office auditorium.

Q. Office auditorium?

A. Yes, sir.

Q. At the Republic Steel Plant at Massillon?

A. Yes, sir.

Q. And then did you make a talk there that night?

A. I did.

Q. And any other people talk for the C. I. O.?

A. Martin Beckner.

Q. Martin Beckner?

A. That is right.

Q. And any others?

A. No.

Q. Were these 2,500 people there when you talked?

A. They were.

Q. And when Beckner talked?

A. They were.

Q. And then you and Beckner left before the meeting was over; is that right?

A. That is right.

Q. Yes, sir.

Now, you had a talk with some hot mill foreman after the strike was on; is that right?

A. No, sir.

Q. Who was it you talked with up on Main Street, or some place there on the street?

A. That was before the strike. That was a shut down. About—

Q. That was after the plant was shut down?

A. About the 20th, 21st, or 22d of May.

Q. Was anybody with you when you had your talk with this man?

A. No, Dave Lewis and I were there alone.

Q. Where did that talk take place?

A. Before the Lincoln Theatre in Massillon.

Q. Who is Dave Lewis?

A. Dave Lewis is a hot mill turn foreman.

Q. Now, what did he say to you on that conversation?

A. He said that when the company got through with us, we would have enough, that they would starve us out; we wouldn't want a strike after they got through with us.

Q. Is he a C. I. O. man, too?

A. I wouldn't have him in the C. I. O.?

Q. What?

A. We wouldn't let him in the C. I. O.

Q. So that you exclude certain people from the C. I. O.; is that right?

A. He is a foreman. He couldn't belong to the C. I. O.

Q. Oh. He said that when the company "got through with us," meaning himself, too, did he?

A. No. "With you boys, the C. I. O."

Q. Oh, "with you boys"?

A. Yes. That is just the extent of the conversation what I stated to you.

Q. Let's get what he said and not your interpretations of what he said. What did he say?

A. Well, now, how can I remember what he said when I was talking to him for 10 minutes there.

Q. Well, give us the best recollection you have of what he said?

A. Well, I gave you what I know that he told me, that when the company got through with us that we wouldn't want a strike; we would be starved out, and we would have enough of striking. That was when the shut down was.

Q. That was his language, as near as you can recall it?

A. Absolutely.

Q. He was out of work, too, at that time, wasn't he?

A. I don't know whether he was or not.

Q. He was not working, was he?

A. I was on my vacation. How do I know?

MR. LAUTER: I object to the question as having already been answered.

TRIAL EXAMINER LINDSAY: Yes, the objection to that question is sustained. The records of the company ought to show whether he was working or not.

BY MR. PONTIUS:

Q. Well, you said the mill was closed the night of May 20th; is that right?

A. That is right.

Q. Was anybody working down there, to your knowledge, after the 20th of May?

MR. LAUTER: I object to the question.

TRIAL EXAMINER LINDSAY: The objection is sustained.

BY MR. PONTIUS:

Q. Now, you have related some conversation with Alven E. Smith. Who is he?

A. He is the superintendent over the whole sheet division.

Q. When did you have a talk with him?

A. When he was holding that meeting.

Q. Oh, he was one of these men at this meeting?

A. Yes, he was the big man at that meeting.

Q. And he made a speech from the platform there, did he?

A. Yes, there was sort of a bench there that he talked off of.

Q. I see. Did he say something about the company not making any money in Massillon?

A. Yes; he said they were going in debt in Massillon.

Q. Yes, sir.

Now, Lewis and Bright are two foremen there in the shop, are they?

A. That is right.

Q. Yes, sir. And your testimony with respect to what they said to you, when did that take place, the conversation with them?

A. Anywhere from December up until the strike conditions, almost.

Q. Yes, sir. Were they both foremen of yours?

A. No, none of them were my foremen.

Q. Where did you talk to them?

A. Anywhere that they seen me in the mill that they figured I was talking union to a man, they would talk to me.

Q. And they said that it was part of their job to break up the union; is that right?

A. That is right. They talked very confidential with me, if you want to know that part of it.

Q. They talked very confidential with you?

A. You bet. They figured I would break. They said, "When the strike comes you are going to be in here working."

Q. They said, "When the strike comes you are going

to be in here working"?

A. Yes, Dave Lewis told me "when that strike comes on you are going to be one of the first men in here to work. You know it, Joe, you are not the kind of man to stick out for a union." He was confidential and I think he believed it.

Q. You deceived him?

A. Absolutely. Why shouldn't I?

Q. You deceived him all the time?

A. Deceived him on what?

Q. As to your activities at that time.

A. No, he knew what my activities were.

Q. He knew that you were working for the C. I. O. at that time?

A. I was not working for the C. I. O. I was president of the lodge and I was working for the lodge. I was not getting anything for my work. That was part of my duties as president of the lodge.

MR. DAY: I object to the latter part of the answer. It is not responsive to the question.

TRIAL EXAMINER LINDSAY: Read the question.

(Question read.)

TRIAL EXAMINER LINDSAY: The answer is responsive. It may stand. You may have an exception if you wish.

(Exception noted for Respondent.)

BY MR. PONTIUS:

Q. That is, they were very confidential with you and at that time they knew that you were president of the C. I. O. organization?

A. That is right.

Q. What?

A. Yes, sir.

Q. Had you told them that you were president of the C. I. O.?

A. The newspapers told them that; I did not have to

tell them. They let me know the very next day.

Q. And at the same time they were confidential with you and said that you were the kind of fellow that they wanted to keep in the plant; is [that] right?

A. No, they did not say that I was the kind of a fellow they wanted to keep in the plant, but I was the kind of a fellow that would not stick to the union and I would be the first one in the plant.

Q. You would not stick with the union?

A. I would not stick with the union.

Q. Do you know if they had any reason to say that?

A. I do not know unless they judged everybody by themselves.

Q. What kind of men are they?

MR. LAUTER: I object to that question. It is obviously improper.

TRIAL EXAMINER LINDSAY: Oh, yes, it is going too far.

MR. PONTIUS: That is all.

TRIAL EXAMINER LINDSAY: Mr. Lauter and Mr. Day, come up to the bench.

(Thereupon, Counsel conferred with the Examiner at the bench.)

(Witness excused.)

TEFIK TAHIR

a witness called by and on behalf of the National Labor Relations Board, and, having been first duly sworn, testified as follows:

Direct Examination

BY MR. GROSSMAN:

Q. Your name is Tefik Tahir?

A. Tefik Tahir.

Q. What is your address?

A. 726 Bebb Avenue, Southwest.
Q. Massillon?
A. Yes.
Q. Massillon, Ohio?
A. Yes.
Q. Are you an employe of the Republic Steel Corporation?
A. Yes.
Q. When did you start to work for the Republic Steel?
A. 1923, the first time.
Q. 1923.
A. Yes.
Q. Did you work continuously?
A. I worked until 1929.

MR. PONTIUS: Pardon the interruption. I did not get his last name.

MR. GROSSMAN: Tahir, T-a-h-i-r.

TRIAL EXAMINER LINDSAY: What is the first name?

THE WITNESS: Tefik, T-e-f-i-k, and the last name, T-a-h-i-r.

BY MR. GROSSMAN:
Q. After you left the Republic Steel in 1929, when did you return to work?
A. I come back in 1934, on January 10th.
Q. Was this at the Massillon Plant?
A. Yes.
Q. 1934. Then, did you work continuously up until the day of the strike?
A. On the day of the strike.
Q. Which was on May 29, 1937?
A. Yes.
Q. I hand you Board's Exhibit 49, for identification; did you ever see that piece of paper before, Mr. Tahir?
A. Yes, I saw this paper on July 17th. Mrs. find it under the door.

MR. GROSSMAN: I offer this paper as Board's Exhibit No. 49.

MR. PONTIUS: We object to this at the present state of the record.

TRIAL EXAMINER LINDSAY: May I see that?

MR. GROSSMAN: Yes.

(The document was thereupon handed to the Trial Examiner.)

TRIAL EXAMINER LINDSAY: You have an objection in the record on this?

MR. PONTIUS: Yes, we object to it on the present state of the record.

MR. GROSSMAN: Well, in a few moments we will explain who the gentleman who signed that is.

MR. DAY: Do you say you are going to prove who signed it?

MR. GROSSMAN: His name appears on the record.

MR. DAY: I do not think that would make it competent.

MR. GROSSMAN: May I have a ruling on it?

TRIAL EXAMINER LINDSAY: Yes. The objection is overruled. Received in evidence. Let the record show an exception.

MR. DAY: Let the record show we object to it.

TRIAL EXAMINER LINDSAY: I have already done that.

(Exception noted for Respondent.)

MR. DAY: I want to state the grounds of the objection into the record. Nothing to connect it with the Respondent, to show that the Respondent had knowledge of it—

MR. GROSSMAN: We will also show who signed it.

MR. DAY: Wait a minute. —authorized it, or to show who actually did sign it.

TRIAL EXAMINER LINDSAY: Well, the ruling still stands.

MR. DAY: Exception.

(The document referred to was marked as Board's Exhibit No. 49, and received in evidence.)

BY MR. GROSSMAN:

Q. I read you Board's Exhibit No. 49. "Taffy: Report to work Sunday morning, tomorrow, at 7 a. m. if you want your job. See Sam Christ also. Price per C. S." Do you know who "C. S." is?

MR. PONTIUS: We object to that.

THE WITNESS: Chuck.

TRIAL EXAMINER LINDSAY: Just a minute. Objection overruled. Let the record show an exception. Now go on.

(Exception noted for Respondent.)

BY MR. GROSSMAN:

Q. Who is "C. S."?

A. Chuck Schmeling or Shirley.

Q. Who is Chuck Shirley?

A. He works with me.

Q. Who is Mr. Price?

A. Assistant superintendent.

Q. Assistant superintendent of what department?

A. Open hearth.

Q. At the Republic Steel Corporation?

A. Yes.

Q. Did you ever see that handwriting before?

A. Yes.

Q. Is that Chuck Shirley's handwriting?

A. Yes.

Q. Where did you see his handwriting before?

A. Well, he write every night all the time when we work, daytimes, nighttimes, how we work down there.

Q. Does he write a schedule?

A. He makes all the reports, keeps number and time, everything he fix. Because I know that all the time he use these two initials "C. S.," Chuck Schmeling or Shirley.

MR. DAY: No cross-examination. We move now, for the reasons stated, to exclude that exhibit.

MR. GROSSMAN: That is all.

TRIAL EXAMINER LINDSAY: The motion is overruled. Let the record show an exception.

(Exception noted for Respondent.)

(Witness excused).

SAM CHRIST a witness called by and on behalf of the National Labor Relations Board, and, having been first duly sworn, testified as follows:

Direct Examination

BY MR. GROSSMAN:

Q. Your name is Sam Christ?

A. Yes.

Q. And your address, Mr. Christ?

A. 563 Neal Avenue.

Q. Is that in Massillon, Ohio?

A. That is in Massillon, Ohio.

Q. Are you an employe of the Republic Steel Corporation?

A. Yes.

Q. When did you start to work for the Republic Steel Corporation?

A. In 1923.

Q. Have you worked continuously up until the time of the strike?

A. Yes.

Q. You have worked for Republic Steel Company 14 years, then?

A. Yes.

Q. I hand you Board's Exhibit 50, for identification. Did you see this paper before, Mr. Christ?

A. I was away that day. My wife she found it under the porch.

Q. Did you ever see that before you came into this courtroom?

A. Yes.

Q. Is that the paper your wife gave you?

A. That is the same one.

MR. GROSSMAN: I offer this in evidence as Board's Exhibit No. 50.

MR. DAY: We object to it as the same grounds as we objected to Exhibit No. 49.

TRIAL EXAMINER LINDSAY: Is that the same, in substance?

MR. GROSSMAN: Same thing.

TRIAL EXAMINER LINDSAY: Objection overruled. Let the record show an exception.

(Exception noted for Respondent.)

TRIAL EXAMINER LINDSAY: Board's Exhibit 50 received in evidence.

(The document referred to was thereupon marked "Board's Exhibit 50," and received in evidence.)

BY MR. GROSSMAN:

Q. I hand you Board's Exhibit No. 50, Mr. Christ, and I read the same to you: "Sam: Report to work at the pits on July 18th, 1937, Sunday morning, at 7 o'clock, if you want your job. Price per C. S."

A. Yes.

Q. Do you know who C. S. is?

A. Chuck.

Q. Who is Chuck?

A. A fellow, he is a recorder in the pit.

Q. He is a recorder in the pit at the open hearth?

A. Yes.

Q. Of the Massillon plant of the Republic Steel?

A. Yes.

Q. Who is Mr. Price?

A. That is the assistant superintendent of the company.

Q. Mr. Price is assistant superintendent of the open hearth?

A. Yes.

Q. Of the Republic Steel?

A. Yes.

Q. Do you recognize that handwriting?

A. Many times I seen that, I know it is Chuck's writing.

Q. That is Chuck's handwriting?

A. Yes.

Q. You have seen Chuck's handwriting before?

A. Yes.

Q. That would you say is his handwriting?

A. During the time we was working.

Q. Did you ever see Chuck or Mr. Price at the strike?

A. No.

Q. Never did?

A. No.

TRIAL EXAMINER LINDSAY: Any cross-examination?

MR. DAY: I move to strike out the last exhibit on the same ground upon which our motion was made on Exhibit 49.

TRIAL EXAMINER LINDSAY: Motion denied. Let the record show an exception.

(Exception noted for Respondent.)

TRIAL EXAMINER LINDSAY: We will adjourn until 9:30 in the morning.

(Whereupon, at 4:15 o'clock p. m., August 11,

1937, the hearing was adjourned until August 12, 1937, at 9:30 o'clock a. m.)

Courtroom No. 1, Stark County Courthouse, Canton, Ohio, Thursday, August 12, 1937.

The above-entitled matter came on for hearing, pursuant to adjournment, at 9:30 o'clock a. m.

Before:

JOHN T. LINDSAY: Trial Examiner.

Appearances:

Mark Lauter, Esq., Lawrence Hunt, Esq., Oscar Grossman, Esq., and Joseph A. Hoskins, Esq., appearing for the National Labor Relations Board.

H. C. Pontius, Esq., of the firm of Messrs. Lynch, Day, Pontius & Lynch (Canton, Ohio), and Luther Day, Esq., and Thomas F. Veach, Esq., of the firm of Messrs. Day, Young and Veach (1420 Union Trust Building, Cleveland, Ohio), appearing for the Respondent, the Republic Steel Corporation.

PROCEEDINGS

TRIAL EXAMINER LINDSAY: The hearing is called to order.

MR. LAUTER: Sherman Ebbert.

SHERMAN EBBERT

a witness called by and on behalf of the National Labor Relations Board, and, having been first duly sworn, testified as follows:

Direct Examination

BY MR. LAUTER:

Q. State your name, please.

A. Sherman Ebbert.

Q. Where do you reside, Mr. Ebbert?

A. 710 Erie Street, South, Massillon.

Q. Is that Massillon, Ohio?

A. Yes, sir.

Q. Have you been employed at the Republic Steel Corporation plant in Massillon?

A. Yes, sir.

Q. When did you start working for them?

A. In June, about June 20, 1933.

Q. And what kind of work have you been doing?

A. Well, when I started, I first started as a scrap breaker on the chipping board and then became chainman, and then I got to be a burner, and from there I went to cold saw operating.

Q. Are you a member of the C. I. O.?

A. Yes, sir.

Q. When did you join?

A. About April 28th or 29th, I forget.

Q. 1937?

A. Yes, sir.

Q. How long did you work for the Republic Steel Corporation?

A. About four years, a little better than four years.

Q. Was there a strike in the Massillon plant?

A. Yes, sir.

Q. When was the strike?

A. Twenty-fifth of May, on Tuesday night at 11 o'clock.

Q. On the 25th of May what turn were you working?

A. Seven to three, daytime.

TRIAL EXAMINER LINDSAY: Will you talk a little louder?

BY MR. LAUTER:

Q. Seven to three, daytime?

A. Yes, sir.

Q. Did you go to work that day?

A. Yes, sir.

Q. Did you go to work the next day?

A. No, sir.

Q. Did you go to work on July 12th?

A. Yes, sir.

Q. Describe the circumstances of your returning to work?

A. The assistant superintendent, one of the chipper foremen, came after me on July 11th.

Q. Who were they, by name?

A. William Hirshberger is assistant superintendent.

Q. William Hirshberger?

A. Yes, sir; and Harry Hilbert is the chipper foreman.

MR. DAY: Harry who?

THE WITNESS: Harry Hilbert.

BY MR. LAUTER:

Q. H-i-b-e-r-t?

A. Yes.

Q. Go ahead.

A. And they asked me to go to work and I asked them if it was on my own job, and they told me yes, so I said all right, and I returned to work. Then on Monday, July 12th, about 2:45, one of the boys by the name of Ralph Ebberly—

Q. What position does Ralph Ebberly have?

A. He is what they call a head loader.

MR. DAY: We want to object to the conversation between him and a head loader on the ground that he has no authority to talk for the Respondent, and no knowledge, no authorization, no connection with the Respondent.

TRIAL EXAMINER LINDSAY: He works out there, does he not?

MR. DAY: He works out there. I suppose he works out there, of course.

TRIAL EXAMINER LINDSAY: We will have to find that out. Objection overruled, and let the record show an exception.

(Exception noted for Respondent.)

MR. LAUTER: Mark this.

(The document referred to was thereupon marked for identification as "Board's Exhibit No. 51.")

BY MR. LAUTER:

Q. Is Mr. Ralph Ebberly a head loader at the Massillon plant?

A. Yes, sir.

Q. I hand you Board's Exhibit No. 51, for identification, and ask you whether or not you have ever seen a copy of that before?

A. Yes, sir.

Q. Where did you see a copy of that?

A. Why, one that Ralph Ebberly gave me.

Q. Ralph Ebberly gave you a copy of this?

A. Yes.

Q. Where did he give you a copy of this?

A. In the locker room.

Q. At the plant in Massillon?

A. Yes, sir.

MR. LAUTER: I offer it in evidence as Board's Exhibit No. 51.

MR. DAY: We want to object to that.

TRIAL EXAMINER LINDSAY: Do you want to state any reasons?

MR. DAY: There is no evidence connecting it with the Respondent, showing any knowledge on this part of the Respondent, any authorization.

TRIAL EXAMINER LINDSAY: Objection overruled. Board's Exhibit No. 51 received in evidence. Let the record show an exception.

(Exception noted for Respondent.)

(The document previously marked for identification as Board's Exhibit No. 51, was received in evidence.)

BY MR. LAUTER:

Q. Will you state the substance of the conversation which you had with Mr. Ebberly?

A. He handed me one of those cards and asked me if I wanted to join it, and I looked it over and told him that I would think it over at that time, and then later on in the—just before 7 o'clock, which was lunch time, why I happened into the office, and he was in there, and he asked me what I thought about it, and I told him, I asked him what he thought about it, and he said he thought it was all right because it was a union amongst the employes, only it was to keep out any other outside union, and I asked him if it was compulsory, and he said yes, it is. He said, "If you do not join it we will throw you over the fence." So I forgot about it right at the time being.

MR. DAY: May we move to strike out the conversation on the same grounds that was the basis of the objection.

TRIAL EXAMINER LINDSAY: The motion is denied. Let the record show an exception.

(Exception noted for Respondent.)

A. (Continuing) I told him that I would still think it over. Well, then, along about 9, 9:30, 10 o'clock sometime, I just don't remember when, in the evening before I went home from work, he came over to the cold saws where I worked, and he got to talking about it again, and our argument got pretty hot, although I did not say right out that it was a company union, why, I give him a pretty good idea.

MR.DAY: May we have the same objection to this additional conversation, please?

TRIAL EXAMINER LINDSAY: Objection overruled. Let the record show an exception.

(Exception noted for Respondent.)

A. Although it was my idea it was nothing more than a company union, I gave him an idea that was what it was, although I didn't say right out what it was, so that was the end of the trouble for that evening.

The next afternoon, then, at 3 o'clock, when I went to work, I was working around the saws, and this Ralph Ebberly came over to me and asked me if I wanted to—

MR. DAY: May we have the same objection to this conversation?

TRIAL EXAMINER LINDSAY: Objection overruled. Let the record show an exception.

(Exception noted for Respondent.)

A. (Continuing) He asked me if I wanted to join the union, and I said no, so he turned around and walked back out, and went across to the office, and about five, ten minutes later fifteen or twenty men came over to my place of work and it consisted of Ralph Ebberly and Paul Hoffman.

BY MR. LAUTER:

Q. Who is Paul Hoffman?

A. Paul Hoffman is what we call head piler, or pile foreman.

Q. Did he have any position under the old Employes' Representative Plan?

A. He was employe representative.

Q. Will you state what happened between you and Paul Hoffman, Ralph Ebberly, and the other men who came to see you there?

MR. DAY: May we have the same objection?

TRIAL EXAMINER LINDSAY: Objection overruled. Let the record show an exception.

A. He says, "Sherman, the boys say you have got

to join this union, or else," and I dropped my work and I turned around to him and I said, "Or else what?" And he said, "Or else we won't work with you." I said, "Well, you boys just suit yourselves about it. That don't worry me a bit." They asked me why I did not want to join it, and I told them that it was no good, a company union. I asked them who was giving them their authority to vote me out of a job if I did not join, and he said, "Well, we are taking that onto ourselves," and I said, "Well, I don't want to join." And we had a few other words, I don't just recall what they were, and he started to getting mad. He said, "We do not want to argue with you. We want to know whether you want to join this or not." And I said, "No, I am not going to join it." So they turned around and walked out to the office, and I stuck around the saws there for a few minutes, and I decided to see Mr. Peppard, who is the general superintendent of that plant, of that department, and as I walked through the crowd Paul Hoffman had a pad of paper and a pencil, and they were getting up a petition to the effect that they would not work with me unless I signed their union card, so I just walked on through the crowd. There was a whole bunch of men who were in to see me and went on into Mr. Peppard's office, and I started to saying something to Mr. Peppard, I don't remember what it was, but anyway he interrupted me, and he said, "I understand you are having some trouble with the boys." And I said, "Yes, they claim they won't work with me unless I join their union." And he asked me why I did not want to join, and I told him I did not think it was any good. I told him I did not belong to any union then and I did not want to belong to any. I told him that they had accused me of belonging to a union but nobody could show me where I ever paid anything into a union. I did not say I did not belong to a union, I just said nobody could show me where I had ever paid anything into a union. "Well," he said, "the boys said they won't work with you unless you sign

the union card." He said, "By God, we are going to work around here, and I ain't going to let no one man hold up the work." He said, "Now, you can go home and think it over. When you decide to do what the boys want you to do you can come back and go to work." I said, "All right." And I got up and walked out and went to the locker.

BY MR. LAUTER:

Q. You mentioned Mr. Peppard's name. Will you state for the record who he is?

A. He is general superintendent of that department.

Q. Go on.

A. And as I entered the locker room there was one of the boys who was in the gang who came over to see me, and he says, "What do you think?" He says, "What do you think?"

MR. DAY: May I have the same objection on the same grounds to this conversation?

TRIAL EXAMINER LINDSAY: Objection overruled. Let the record show an exception.

(Exception noted for Respondent.)

A. (Continuing) I says, "What do you think?" He says, "Why don't you want to join it?" I says, "Because, listen," I says, "I don't want nobody telling me what I am going to do and what I ain't going to do." "Well," he says, "they are not trying to tell you what you are going to do and what you are not going to do." I says, "Yes", they are telling me that I am going to join this union or else I am not going to work." He says, "Well, I guess you are right." I says, "Sure, I am right."

So I think I unlocked my locker; I was going to get ready to go home. Harry Miller, assistant superintendent, came out and called me back into the office, and somebody must have heard what I said to this one boy; id went in and reported to Mr. Peppard. Anyway, whenever I got in to see Mr. Peppard again, he says, "I understand that you don't want to join this against your will." I said,

"I don't." I said, "I don't want anything to do with it." I says, "For that reason I don't want to join it." So he says, "Well," he says, "I will tell you what you do." He says, "You go back out in the locker room, wait a few minutes," and he says, "I will talk it over with the boys and see what I can do with them." So I went back out in the locker room, sat around a few minutes, and pretty soon Larry Miller came out the second time, called me in, and I went back in to Mr. Peppard, and Mr. Peppard says, well, he says, "I have got it straightened out for the time being." He says, "You can go back over and go to work," but he says, "Come out tomorrow." He says, "I don't know what the boys will have in mind tomorrow." But he says, "You come out tomorrow, anyway."

So I went back over and went to work. Well, in about—well, it was pretty close to 11 o'clock when this Ralph Ebberly came over to me, and I was grinding a saw blade, talking to the turn foreman about grinding the saw blade, and Ralph Ebberly punched me in the back and called me around the corner from the turn foreman, and he says, "The boys have decided they don't"—

MR. DAY: May I have the same objection on the same grounds?

TRIAL EXAMINER LINDSAY: The objection is overruled. Let the record show an exception.

(Exception noted for Respondent.)

A. (Continuing) He punched me in the back. He called me around the corner. He says, "The boys have decided they don't want you to come out to work tomorrow." I says, "Well, you tell the boys I will be out to work tomorrow." I says, "I was told to come out here by Mr. Peppard." He says, "Well, you will have to fight it out with the boys, then."

So the next day I signed a union card and took it up to Paul Hoffman, handed it to him rather than to have any more trouble.

BY MR. LAUTER:

Q. When you say "the union card," are you referring to a card similar to Board's Exhibit No. 51?

A. Yes.

Q. Go ahead.

A. And, well, that was the end of the trouble except that I have been running those cold saws for practically nearly four years, and we just moved up to our present position in No. 2½ shed. We just moved up there, oh, maybe about a year ago. And they have a way of checking up on what we do by the number of square inches we saw. And I have sawed anywhere from 400 to 2,400 square inches in one turn without a helper.

Q. Well, before you go into that, Mr. Ebbert, I wonder if you would state for the record how long you remained in the mill after you came back to work subsequent to the strike?

A. From July 12th to August 6th.

Q. August 6th?

A. Yes.

Q. Just a couple of days ago?

A. Yes.

Q. You were left in the mill, then?

A. Yes, sir.

Q. You left voluntarily?

A. Yes.

Q. Why did you leave?

A. Well, I didn't like the condition of the way they was pushing things around there.

MR. LAUTER: That is all.

MR. DAY: I move the last answer be stricken out.

TRIAL EXAMINER LINDSAY: Motion overruled.

MR. DAY: Exception.

TRIAL EXAMINER LINDSAY: The last answer will stand and let the record show an exception.

(Exception noted for Respondent.)
MR. DAY: No cross-examination.
TRIAL EXAMINER LINDSAY: All right.
(Witness excused.)

VERNE F. HOLDERMAN

a witness called by and on behalf of the National Labor Relations Board, and, having been first duly sworn, testified as follows:

Direct Examination

BY MR. HUNT:

Q. The name is what? What is your full name?
A. Verne, V-e-r-n-e.
Q. Your middle initial?
A. F.
Q. And the last name?
A. Holderman, H-o-l-d-e-r-m-a-n.
Q. Where do you live, Mr. Holderman?
A. 236 State Street, Northeast, Massillon.
Q. When did you first enter the employ of the Republic Steel Corporation?
A. In the year 1925, in the spring.
Q. Now, what was your position?
A. At the time I was working in the sheet mill.
Q. A little louder, please.
A. At that time a catcher in a sheet mill.
Q. As a catcher in the sheet mill?
A. Yes.
Q. What particular plant did you work in?
A. Massillon plant, the Central Alloy.
Q. It was then the Central Alloy Company?
A. I think it was at that time the Central Alloy.
Q. What mill or division of the plant did you work in?
A. The sheet mill division.

Q. The sheet mill division?

A. Sheet mill division.

Q. How long did you work with the Central Alloy?

A. Until the latter part of 1929, I think somewhere in between there they merged with Canton.

Q. They merged with Canton?

A. The Central Steel and the Central Alloy of Canton merged into the Central Alloy.

Q. Then did you leave the company in 1929?

A. I did, for about eight months. I—the sheet mill—

MR. DAY: May I interrupt?

A. —was going very slow.

MR. DAY: Your Honor, I dislike to do this, but in order to preserve the record of the last witness, may I move to exclude all over the conversations on the additional ground that those conversations do not tend to support any charge in the complaint?

TRIAL EXAMINER LINDSAY: Motion overruled. Let the record show an exception.

(Exception noted for respondent.)

TRIAL EXAMINER LINDSAY: This is off the record.)

(There was a discussion off the record.)

TRIAL EXAMINER LINDSAY: All right. Proceed.

BY MR. HUNT:

Q. You say you worked until 1929 with the Central Alloy Steel in Massillon and then left and returned after nine months?

A. Approximately nine months, eight or nine months.

Q. Yes.

A. I think it was in February of 1930.

Q. Did you go back to work in Massillon at that time?

A. I did, in the strip division of the Stanley Steel.

Q. Was that then a part of the Republic Steel, so far as you know?

A. It was.

Q. How long did you work when you returned in 1930?

A. I worked for two years in the strip division and then I was transferred to the sheet division.

Q. What was your job in the strip division?

A. Well, in general, flunky, I should say.

Q. A flunky?

A. Yes, laborer.

Q. Well, what was your job when you were transferred?

A. To the sheet mill?

Q. Yes.

A. I was transferred in there as a sweeper.

Q. As a sweeper? How long did you work in the sheet mill?

A. Four years, up until the present time

Q. Until when?

A. Until the night of May 25, 1937.

Q. That was the night the strike was called?

A. Yes, the strike was called.

Q. Were you also a sweeper?

A. No, I was promoted to helping on a machine. From there I was promoted to operating a machine.

Q. You received two promotions in the course of the last four or five years?

A. I did. I received those promotions very soon after I entered the place, very soon after I entered the department, and I have been on the same job for approximately, I would say, three and a half years.

Q. So far as you know, your record as a workman is a good one?

A. I think it is.

Q. Have you ever received any compliments on your work?

A. I have.

Q. From whom?

A. Mr. Sludecker, Mr. Lynch, Mr. Ashbocker.

Q. Are you a member of the C. I. O.?

A. I am.

Q. When did you join the C. I. O.?

A. October, 1936.

Q. Do you know of the Employes' Representative Association?

A. I do.

Q. When was it first called to your attention?

A. Shortly after the A. F. of L. made their attempt to organize in 1933.

Q. What was that?

A. I say, shortly after the A. F. of L. made their attempt to organize in 1933.

Q. Well, I am now asking about the Employes' Representative Association as distinct from the Employes' Representative Plan, the Association.

A. The Association?

Q. Yes.

A. The Association is a Plan that was sponsored just before the strike was called, and an attempt made to have a union of their own.

MR. DAY: I would like to object to all evidence upon this line upon the ground that it does not tend to support any allegation in the complaint, or connect the Respondent with it.

TRIAL EXAMINER LINDSAY: Objection overruled. Let the record show an exception.

(Exception noted for respondent.)

BY MR. HUNT:

Q. When was the Association first called to your attention?

A. About two weeks before the strike. Well, on the 11th they had a meeting. I attended a meeting of the Association. That was the first I think it was called to my attention.

Q. Were you ever asked to sign a card?
A. Yes.
Q. Membership card?
A. I was.
Q. Who asked you to sign one?
A. William Schott, the night foreman.
Q. William Schott?
A. William Schott.
Q. How do you spell it?
A. I think it is—I am not certain whether it is with a "c" or an "h," S-h-o-t-t, or S-c-h-o-t-t.
Q. S-c-h-o-t-t?
A. I think that is it.
Q. He is a night turn foreman?
A. Night turn foreman.
Q. Do you remember about when he asked you to sign this card?
A. I would say two weeks—two or three weeks before—about two weeks before the strike, approximately.
Q. Was the card like this Board's Exhibit No. 51?
A. Yes.
Q. I just handed you a card which is, in appearance, very much like Board's Exhibit No. 51, and very much like Board's Exhibit No. 48, both of them being about identical in size, of about the same size, a slight difference. Was it like Board's Exhibit No. 48?
A. Well, they are much the same. It was.
Q. Will you just read it?
A. I believe this is the card here (indicating).
Q. Will you read the heading on that card?
A. "Employes' Representatives Association."
Q. Was it for the Employes' Representatives Association that you were given a card?
A. It was.
Q. Your foreman asked you to sign this card?
A. He did.

Q. Did he say anything to you at the time?

A. Pardon?

Q. Did he say anything to you at the time about the Association?

A. Yes, he told me that if at that time there were enough members signed up he felt that it would avert a strike.

Q. Did he say anything else?

A. He said a lot, but I don't remember all of it.

Q. About when was this?

A. About two weeks before the strike.

Q. About two weeks before the strike. Did you attend the meeting of the employes in the plant on or about May 11, 1937?

A. I did.

Q. Were you paid during the time you attended that meeting?

A. I was.

Q. Paid your regular wages?

A. My regular wages.

Q. How long were you away from your work when you were at that meeting?

A. Four hours, from 7 o'clock in the evening until 11.

Q. Do you know what the purpose of the meeting was?

A. To sponsor this Employes' Association, Representatives' Association.

Q. Who presided at that meeting?

A. Nick Lincolnhaley.

Q. A little louder, please.

A. Nick Lincolnhaley.

Q. Will you describe briefly what took place at that meeting?

A. Well, when I entered the hall I imagine there was somewhere in the neighborhood of 2,000 men there. Nick Lincolnhaley was—spoke over a loudspeaking—over a microphone, and gave what he thought was the plan to the

employes. I remember Joe Morton getting up and giving a talk, also Martin Beckner.

Q. Now, you told me that you have been complimented on your work; is that right?

A. I have.

Q. And I don't recall the names of the men who complimented you. Who were they?

A. Mr. Sludecker, shop superintendent.

Q. Mr. Sludecker. He is the shop superintendent, you say?

A. Yes.

Q. Who else?

A. Harry Ashbocker. He is the general foreman.

Q. General foreman of your department?

A. Of our department. And Bob Lynch.

Q. Who is Mr. Bob Lynch?

A. Bob Lynch is, I believe, assistant superintendent and a road man, trouble shooter they call him.

Q. Do you recall about what time of the year they complimented you on your work?

A. No, I can't recall that. I have had several compliments on my work.

Q. Was it within the last year?

A. It was, some of them.

Q. Did you go out on strike on May 25th, the night of May 25th?

A. I did.

Q. Did you try to get back to work?

A. I did.

Q. When?

A. June 6th—or, July 6th, I contacted Mr. Sludecker in an effort to get back.

Q. Now, Mr. Sludecker is who, again?

A. The shop superintendent.

Q. Will you describe just as fully as you wish, and slowly as you can, all of the events leading up and sur-

rounding your attempt to get back to work? Just tell us slowly and clearly as you can.

A. On the night of July 6th I went to Mr. Sludecker's home, and I asked him when I was to be returned to work. He told me that he did not know, that they were not operating the department under a schedule, that they had lost a lot of business during the strike, and that I should call Mr. Davey on the following day. .

Q. Who is Mr. Davey?

A. Mr. Jim Davey, the divisional superintendent over Canton South End Division, and the Massillon Stainless Steel.

Q. Of the Massillon Stainless Steel?

A. Yes, sir.

Q. Go ahead.

A. I should get in touch with Mr. Davey and he would tell me when to come back to work. The following day I made an effort to contact Mr. Davey over the phone but was informed that he was not in the plant. I again talked to Mr. Sludecker, and Mr. Sludecker informed me that Mr. Davey had given word to any one calling in should be informed that they would be called when needed.

Q. All right. That was about July 7th or 8th?

A. That was July 7th.

Q. All right. Then what did you do?

A. After Mr. Sludecker had told me that I let it go until the following Saturday.

The following Saturday I called up and I got in contact with Mr. Davey. Mr. Davey first asked me where I had been on July 2d. I told him that I had no way of knowing that the plant was going to open, that nobody had come and told me to come to work. He said, "Well, that puts you in a bad position and me in a bad position, naturally thinking when you did not return with the other boys on July 2d we did not think you wanted to work."

Q. May I interrupt there just a moment. Do you re-

call what date the National Guard came into Massillon?

A. No, I don't.

Q. Do you recall July 2d at all, the day itself, apart from being told that you ought to come back to work then?

A. Do I recall it they came in on July 2d?

Q. Do you recall July 2d itself, anything that happened on July 2d?

A. I could not especially.

Q. Do you know about when the National Gaurd came into Massillon?

A. I think it was somewhere around July 2d.

Q. Do you know whether many men attempted to go back to work at or about July 2d?

A. Well, the paper stated there were about twice as many as did, I think.

MR. DAY: I move that be stricken out.

TRIAL EXAMINER LINDSAY: Just read the last answer.

(Last answer read.)

MR. HUNT: I am willing to withdraw my question.

BY MR. HUNT:

Q. All right, now, we get down to July 7th or 8th, rather, the following Saturday, and you called Mr. Davey on the telephone and he asked you if you tried to get back on July 2d, and you said no, that you knew nothing about it; is that approximately right?

A. Yes.

Q. Then what happened?

A. After I called Mr. Davey?

Q. Yes, at that time.

A. I let it go again. In the meantime there had been another man that was in the same circumstances as myself, had not been called back to work, and we kept in touch with each other, to see if there was anything come up.

Q. What was the name of this other man?

A. Harold Detterline.

Q. How do you spell Detterline, D-e-t-e-r-l-i-n-e?

A. D-e-t-t-e-r-l-i-n-e.

Q. All right. Harold Detterline.

A. Harold told me that—

MR. DAY: We want to object to what Harold told him.

TRIAL EXAMINER LINDSAY: Objection overruled. Let the record show an exception.

BY MR. HUNT:

Q. Who is Harold Detterline?

A. Harold Detterline does the same job I do, operates the machine.

Q. At that time he had not gone back to work?

A. At that time he had not gone back to work.

Q. And you kept in touch with him about what?

A. About going back. He was trying to get back to work, too, and he told me that the boys in the mill had taken a vote to keep us out.

Q. To keep both of you out?

A. That is right. So we got in contact with John Staugh.

Q. How do you spell Staugh's last name?

A. S-t-a-u-g-h.

Q. He is the turn foreman?

A. He is the turn foreman. And John Staugh told Harold—

MR. DAY: I want to object to this. This, as I understand, when a man named Detterline told the witness what a man named Staugh told him.

TRIAL EXAMINER LINDSAY: I understand. State your objection and I will rule on it.

MR. DAY: We object to this on the grounds already stated, that the other party to the conversation with the witness is not connected with the Republic Steel so as to make the Republic responsible for what

he said; he had no knowledge or authority. In addition to that, this witness is about to state something that a man named Detterline told him that a man named Staugh told Detterline.

TRIAL EXAMINER LINDSAY: I will overrule the objection. Let the record show an exception. Proceed.

MR. DAY: Exception.

(Exception noted for Respondent.)

A. Detterline told me that John Staugh personally said he would contact the men in an effort to get him back to work, which he did.

BY MR. HUNT:

Q. Contact what men?

A. The men in the stainless division, the men who had previously voted him out of a job.

Q. You spoke about men voting you out of a job. Do you mean foremen, superintendents, vice-presidents?

A. No, I mean the men who worked, the helpers and the operators on the machine at that time.

Q. They voted?

A. They voted.

Q. All right. Go on.

A. John Staugh did contact the men, or, at least, Detterline went back to work on the 23d of July, and he told me that he was going back to work on July 22d. The evening of July 22d. On the 23d I called in and I wanted a show down of some sort or another, and I called him and tried to get in contact with Mr. Davey.

Q. Mr. Jim Davey?

A. Mr. Jim Davey.

Q. He is the division superintendent of the Stainless Division?

A. Division superintendent.

Q. Division superintendent; all right.

A. Instead of getting Mr. Davey, I got Mr. Sludecker again.

Q. The shop superintendent?

A. Shop superintendent. Mr. Sludecker told me Davey had made arrangements for me to come in at a quarter to three.

Q. Made an appointment for you at 2:45 that afternoon?

A. 2:45.

Q. Has it been your experience that definite appointments are made to these men?

A. I had never heard of it before. It seemed an unusual thing. The usual thing would have been to come in some time during the afternoon and see Mr. Davey.

Q. All right, go on.

A. At 2:45 I was in the shop, five minutes until three Mr. Davey came up and started talking. He asked me what I wanted. I said I wanted to go back to work. He asked me where I had been on July 2d. I said I thought we had gone over that before, that I had not been notified to return to work on July 2d. About that time the men were gathering over—through a door I could see the department where I worked. I saw both turns gathering over there. Very shortly, there was no whistle blown that night, they did not blow a whistle to quit, but very shortly George Chapman, an operator in the Stainless Division, he was a helper before, he came over accompanied by about a dozen of those men, and he informed me that the men had taken a vote and they refused to work with me.

Q. Was anybody else with you at the time, standing with you when he came there?

A. When he came over Mr. Davey walked about six paces away and stood waiting for them to finish.

Q. Chapman told you that the men had taken a vote as to whether they wanted you back there or not?

A. They did.

Q. Whether they wanted you reemployed?

A. Chapman told me that.

Q. The men voted no?

A. The men voted no.

Q. Was that on the crew on which you worked?

A. That was supposedly both crews.

Q. So the men voted as to whether or not you were to be reemployed by the Republic Steel Corporation; is that right?

A. That is so.

Q. Well, when Mr. Chapman told you that what did you do?

A. I immediately went over to Mr. Davey and I said, "Well, Mr. Davey, the men have voted me out of a job." He said, "I am sorry." I said, "Do you intend to let that decision stand?" He said, "There is nothing I can do about it." I said, "Aren't you the superintendent, Mr. Davey, any more?" He said, "I am." I said, "Yet you cannot do anything about it?" He said, "If I went over those men's vote I would lose my job."

Q. Will you repeat that again, I did not quite hear.

A. I asked Mr. Davey, I told Mr. Davey that the men had voted me out of a job.

Q. All right.

A. And he said he was sorry. I asked Mr. Davey if he intended to let that decision stand. He said he did, that there was nothing he could do about it. I asked him if he was still the superintendent of the division, and he said he was, but if he went over those men's heads, he would lose his job.

Q. Is that all he said?

A. That is the gist of it.

Q. When did you say you first started with Republic Steel, 1930, was it?

A. When I came back the first time?

Q. Yes.

A. I think it was in February of 1930.

Q. Since that time have you ever known the employes to vote on whether or not the Republic Steel Corporation should employ a man or not?

A. I have never known of it before.

MR. HUNT: That is all.

Cross Examination

BY MR. DAY:

Q. Mr. Holderman, when you had this last talk with Mr. Davey, that you have just told us about—

A. Yes, sir.

Q. —was anybody there besides you and Mr. Davey within range of your talk?

A. There was not.

Q. The Massillon mill, after it has been closed down, after the strike started, opened up again on July 2d, did it not?

A. I think it did.

Q. Where were you then?

A. I was in Massillon.

Q. You did not know that the mill had opened up?

A. Not until the paper came out that evening.

Q. That same evening on July 2d?

A. Yes, sir.

Q. What time of the day did the mill open up?

A. I suppose in the morning.

Q. When was it after you saw the Massillon paper of July 2d that you contacted—I did not get the name of that man.

A. Sludecker.

Q. Sludecker.

A. That was July 6th.

Q. July 6th?

A. Yes, sir.

MR. DAY: I think that is all. I would like to make a motion to strike out the testimony of this witness on the grounds set forth in the objection to it.

TRIAL EXAMINER LINDSAY: Motion over-

ruled. Let the record show an exception.

(Exception noted for Respondent.)

(Witness excused.)

GEORGE TAYLOR ALLEN

a witness called by and on behalf of the National Labor Relations Board, and, having been first duly sworn, testified as follows:

Direct Examination

BY MR. HOSKINS:

Q. Will you state your full name, please?

A. George Taylor Allen.

Q. Will you spell that for us, Mr. Allen?

A. The last name?

Q. All the way thro gh.

A. G-e-o-r-g-e T-a -l-o-r A-l-l-e-n.

Q. Whereabouts do you reside, Mr. Allen?

A. 16 Penn Avenue, Southeast, Massillon, Ohio.

Q. Have you ever worked for the Republic Steel Corporation?

A. I have.

Q. When did you start to work for them?

A. I started in 1925 for the Federal Steel.

Q. How long have you worked for them?

A. Twelve years.

Q. In other words, you have worked up until 1937 some time?

A. Yes.

Q. Do you remember the day of May 25, 1937?

A. I do.

Q. Did you go to work on that day?

A. I started to.

Q. Will you explain what you mean by you started to?

A. Well, I was working the midnight turn—that is, from 11 to 7. When I got down to the gate I found the strike was on and I came back home.

Q. Now, at the time of this strike you mentioned, what was your job in the mill?

A. Crane man.

Q. What salary does that pay?

A. $6.24 at the present time.

Q. $6.24?

A. A day.

Q. How many days a week were you working at that time?

A. Well, before the strike on a 40-hour basis.

Q. A 40-hour basis?

A. Forty-hour basis.

Q. Now, prior to the strike had you ever been laid off?

A. Not more than two days at a time.

Q. What would that two days at a time be for?

A. Once when I was hooking, I sort of left an iron down on the wood blocks, and one of the chains picked the wood block up and slid off of the wood block.

Q. How long ago was that, Mr. Allen?

A. Been 2 years ago.

Q. Been 2 years ago. Have you ever signed up with the C. I. O.?

A. I signed a card with the C. I. O.

Q. When was that?

A. Early part of May I think.

Q. 1937?

A. 1937.

Q. You testified you started to work on May 25th and found that the strike was in progress, so you remained out on strike. Since that day have you been contacted by anyone with reference to going back to work?

A. Not until July 8th.

Q. Who contacted you at that time?

A. My foreman.
Q. What is this man's name?
A. Slim Royer.
Q. How do you spell that?
A. R-o-y-e-r.
Q. R-o-y-e-r?
A. I believe it is.
Q. You say he contacted you in person, or on the phone, or how?
A. He called me.
Q. What did he have to say when he called you?
A. He asked me to come out to work.
Q. Did he specify a time to come back to work?
A. After he got my answer, I told him I would, he said, "Come up tonight at 11 o'clock."
Q. Did you go out?
A. I did.
Q. Did you report for work?
A. I worked that night.
Q. Did you work that night?
A. Yes.
Q. After you went into the mill, then, that night, were you approached by anyone with reference to a union, or to signing up in a union?
A. Not the first night, but during the second week after I returned to work.
Q. Will you tell us about that now in your own words?

MR. DAY: We object to all evidence on the subject of this so-called new union upon the ground that there is nothing in the complaint upon that subject.

TRIAL EXAMINER LINDSAY: Objection overruled. Let the record show an exception.

(Exception noted for Respondent.)

BY MR. HOSKINS:
Q. Will you tell us just what happened there, Mr. Allen?

A. Well, about the middle of the second week after I had started to work Thomas Burkett—

Q. Who is Thomas Burkett?

A. He is a machinist.

Q. He is a machinist?

A. Yes.

Q. Does he have any other duties other than running a machine that you know of?

A. He does not run a machine, he repairs them.

Q. Other than repairing the machine.

A. Well, he checks the crane men's time at night.

Q. He checks the crane men's time?

A. Yes.

Q. I believe you testified that you are a crane man?

A. Yes.

Q. All right, go ahead.

A. He said, one afternoon when I was reporting for work, he he asked me, he said he had a card there he wanted me to sign. I said, "What kind of a card?" He said a card to this new union we are getting up here. He says, "The Employes Association," or something like that.

Q. Pardon me, Mr. Allen. Right now I show you Board's Exhibit No. 51 and ask you if the card he handed you resembled that card?

A. That is it.

Q. That is a copy of the card he handed you?

A. That he presented to me.

Q. Thank you.

A. I told him I would think it over as it was about time for me to go up in the crane, so I left him.

Q. Did he explain to you at that time what the benefits of this new union would be?

A. He said that they would see to me keeping my job, and that they would have a meeting and elect their officers and they would give us some kind of entertainments as much as once a month.

Q. All right. I believe you testified that you would think it over, and you left him at that time?

A. Yes.

Q. Did he approach you at any other time regarding it?

A. The next afternoon.

Q. What happened on that occasion?

A. Well, he asked me if I was ready to sign that card. I told him that I had not made up my mind yet. He said, "Well, if you do not sign this card," he said, "the men are going to refuse to work with you and the foreman is not going to do anything about it." I said, "Well, I will leave you know in a few days just what I am going to do about it." He did not say anything more at that time about the card.

Q. Did he indicate at that time how many men in the shop had signed the card at that time?

A. Yes, he said all of the crane men had signed the card with the exception of myself.

Q. Were you approached by anyone else regarding the card?

A. Well, the motor inspector.

Q. Who is the motor inspector?

A. Don Lyman, Lyman I think it is.

Q. Will you spell that?

A. L-y-

Q. L-y-m-a-n?

A. Lyman, I think it is, something else in there.

Q. You say he was a motor inspector?

A. Yes.

Q. Will you explain his job as it affects you a little more in detail before you tell us about him?

A. This motor inspector, this Don, acts in the capacity of foreman in his absence. Of course we are supposed to take orders from the motor inspector at all times.

Q. Then, do I understand you correctly that on your job you take orders from this Don Lyman all the time?

A. Yes.

Q. All the time?

A. All the time, any time.

Q. Will you tell us what he said to you?

A. He came up in the cab one evening, and he said, "George, I heard you had not signed up with this Association, this new union." He said, "I would like to give you a piece of advice. If you want to keep this job you better get in touch with somebody the next two or three days and sign this card, otherwise you will be out of here and you won't know how it happened." So I did not give him any answer then and he went on about his work, and I went on about mine. So the week following that they had a meeting at their office where we deposit our cards in going to work.

Q. You say they had a meeting. Who do you mean by "they"?

A. Two motor inspectors, one machinist, about eleven cranemen.

Q. Are those the men that were working in the same part of the mill in which you were then working?

A. Well, about five of them I could identify their faces, but the others I didn't know.

Q. Wait a minute. You say five of these men, I believe that added up to fifteen men you mentioned.

A. Yes.

Q. Five of them you could not identify their faces?

A. Yes.

Q. The others you did not recognize at all?

A. No.

Q. How long prior to the strike had you worked in that particular department?

A. About eleven years out of the twelve.

Q. About eleven years?

A. Eleven years and nine months.

Q. Will you tell us about this meeting?

A. Well, when I come in—

MR. DAY: May I have an objection to this on the same ground?

TRIAL EXAMINER LINDSAY: Objection overruled. Let the record show an exception.

(Exception noted for Respondent.)

TRIAL EXAMINER LINDSAY: Just a moment, will you hand me that complaint? It is right among the exhibits.

(The complaint was handed to the Trial Examiner.)

A. When I got into the office to deposit my card.

BY MR. HOSKINS:

Q. What time of the day was this?

A. About a quarter to three.

Q. Thank you.

A. He says, "Hang around a little bit, George."

Q. Who said that?

A. Don.

Q. That is the Don Lyman that you have mentioned?

A. Yes. I said all right. So I just walked to the rear of the office there and stood up by a desk, and after the cranemen began to change turns, why, he told two or three of them to stick around, and after they gathered up there, about 15 of them, some of those stayed that he asked and some did not. "Well," he says, "now, I have been around today and I have asked all of the crane men and told them about you not signing this card, and then they had a little meeting." He said, "Now, there are two things about it." "You are either going to sign this card and line up with us, or you are going to get out on a picket line with the C. I. O." I told him I didn't know whether I had to do either. He says, "Well, what do you men say about it?" That time Thomas Burkett interfered and he told the fellows he wanted them to listen what I had to say about it why I did not want to sign the card. Well, then, I told

them why I did not want to sign the card, and then he said we are just acting as a committee. The real committee is on the outside. One of the motor men, motor inspector, spoke up and he said, "Do you want to run No. 4 crane? If you do you better sign this damn card." I didn't say anything to him because Thomas Burkett was talking at the time. Then after he got through talking Don said again, "All right, fellows, what are you going to do about it?" He said, "Are you going to take a vote on it or not?" Somebody in the bunch said, "Well, we will take a vote." Well, they didn't say anything about not working with me, they just said they were going to take a vote on my signing the card. He said, "All those that want him to work say 'yes', all those that don't want him to work write 'no' on the paper." They passed slips of paper around, and after they passed the paper around, they called on John Irwin to count the ballots.

Q. Who is John Irwin?

A. He is what you call a steel foreman. He weighs up the iron and has charge of the hookers, such things as that, and they called on John Irwin to count the ballots, and he come in and he said, "You know what it is all about, John," and he counted the ballots, and there were three voted yes, and the twelve voted no.

Q. Did you get a chance to count these ballots?

A. No, I didn't count the ballots. I was in the place but I didn't count the ballots. I noticed that there was not a man in the room that worked with me. Quite a few of them did the same class of work that I was doing. There was not a man in the room that worked with me, not even the fellow that ran the object crane. He was not in the room. Some of them worked on the next crane from me, but on different turns.

Q. Do I understand you correctly that not a single one of these votes that was cast, was cast by a man that worked with you?

A. Yes, some of them worked on the same crane but opposite turn.

Q. What happened after Mr. Irwin counted the ballots?

A. He said fifteen no's and three yes.

Q. Fifteen no's?

A. Fifteen not to work—I mean twelve voted not to work and three for him to work.

Q. Then what?

A. After he passed the ballots around, why, I walked out of the office, and as I was passing out, Don said, "Don't go up in that crane. We have another man in your place." So I went then to the superintendent of the hot mill.

Q. Who is the superintendent of the hot mill?

A. A. E. Smith, I believe his name, Andy Smith.

Q. Yes.

A. Andy Evans, superintendent of the hot mill.

Q. This is Andy Evans?

A. Yes.

Q. All right.

A. I told him I would like—I told him they had taken my job and I would like to get my money. He said, "Well, George, I don't have anything to do about giving you your money." He say, "You will have to see Al Harris."

Q. What was that name again?

A. Al Harris.

Q. Who is Al Harris?

A. He is the foreman over the crane men and the millwrights.

Q. Did you see Mr. Harris?

A. I went to his office, and he wasn't in, so by that time I asked Slim—that was my foreman, Slim Royer—

Q. Yes.

A. —about it. He said I would have to see Mr. Kelvey.

Q. Mr. Kelvey?

A. Jim Kelvey.

Q. Who is Mr. Kelvey?

A. He is the head foreman over the electricians.

Q. Did you see Mr. Kelvey?

A. Yes, I went down to Mr. Kelvey's office and told him that they had taken my job and I would like to get my money.

Q. Did you tell him why they had taken your job?

A. He asked me why. I told him, well they had taken it because I wouldn't sign that card. He say, "What card?" I said "The card to this union they are getting up." He said, "Well, I can't do anything about that." He say, "I give you a quit slip if you want to quit." I said, "No, I don't want to quit. They have taken the job, put another man on it." He say, "Well, the only thing I can do is give you a quit slip if you want to quit. I can't give you your money." I said, "No, I don't want to quit." He say, "Well, I will investigate it and see into it." So I said, "How long would it take?" He said, "Oh, two or three days."

Q. What was the date of that you were in Mr. Kelvey's office there?

A. July 27th.

Q. Have you heard from him since then?

A. Not from him.

MR. HOSKINS: That is all.

TRIAL EXAMINER LINDSAY: Any cross-examination?

MR. DAY: We would like to make a motion—that is all—to strike out his testimony on the ground that it does not tend to support any charge made in the complaint, and on the ground that the conversations do not appear to be with anybody authorized or having authority to speak in behalf of the Respondent.

TRIAL EXAMINER LINDSAY: Your motion is denied, and let the record show an exception.

(Exception noted for Respondent.)

TRIAL EXAMINER LINDSAY: Off the record.

(There was a discussion off the record.)

MR. LAUTER: May we have a short recess?

TRIAL EXAMINER LINDSAY: Oh, yes.

MR. LAUTER: It is about 11 o'clock.

TRIAL EXAMINER LINDSAY: We will have a short recess.

(There was a short recess taken.)

TRIAL EXAMINER LINDSAY: The hearing is called to order.

MR. HUNT: Mr. Peter Mouyios.

PETER MOUYIOS

a witness called by and on behalf of the National Labor Relations Board, and, having been first duly sworn, testified as follows:

Direct Examination

BY MR. HUNT:

Q. Now, Mr. Mouyios, where do you live?

A. Massillon, 621 Bebb Avenue.

TRIAL EXAMINER LINDSAY: You will have to talk louder. We can't hear a thing.

THE WITNESS: 621 Bebb Avenue, Massillon.

BY MR. HUNT:

Q. Were you an employe of the Republic Steel Corporation?

A. I was.

Q. When did you start to work with the Republic Steel Corporation?

A. April 1, 1933-1934.

Q. April 1, 1934?

A. Yes, sir.

Q. Were you a steel worker before that?

A. No, sir.

Q. When you entered the employ of the Republic Steel

Corporation, were you given any—well, were you given a copy of this booklet (indicating)?

A. Yes, sir.

Q. You had better look at it.

A. Employes' Representation.

Q. Will you identify that? What does it say?

A. That is Employes' Representation book.

Q. A little louder, please.

A. Employes' Representation.

Q. You were given that booklet?

A. Yes, at the gate.

Q. Whereabouts?

A. At the gate.

Q. At the gate?

A. Yes.

Q. When you started to work?

A. Yes, sir.

Q. Were you given anything else?

A. Give my badge, time card.

MR. HUNT: For the sake of the record, I would like to note that the booklet that he was given is Board's Exhibit No. 32.

BY MR. HUNT:

Q. Were you given any card to sign with that booklet?

A. No, sir.

Q. What mill or plant did you work in?

A. In the billet sheds.

Q. In the billet sheds?

A. Yes.

Q. What was your job?

A. Chipper.

Q. Chipper.

Have you ever been reprimanded for bad work?

A. No, sir.

Q. So far as you know you have had a good record as a workman?

A. Yes, sir.

Q. You have been a chipper from the very start?

A. No, I worked 3 months there and I got laid off; that is the first time, in 1934.

Q. You will have to repeat your answer because I can't hear you.

A. Yes.

Q. What did you say?

A. Well, I started in 1934, April 1, I got laid off in June.

Q. You were told why you were laid off then?

A. I didn't know. They just laid off, and that is all.

Q. You weren't told that it was because of bad work?

A. No. He said they didn't have no orders. That is what they said.

Q. Who told you that?

A. Mr. Peppard.

Q. Who is Mr. Peppard?

A. Superintendent of billet sheds.

Q. He told you that they just had no work?

A. Yes, they didn't have no orders; they had to lay some men off.

Q. Now, were other men laid off at that time, to your knowledge?

A. Yes, sir.

Q. Your foreman has never criticized you for bad work?

A. No, sir.

Q. Your superintendent has never criticized you for bad work?

A. No.

Q. All right.

Now, were you present at a meeting held in the pipe shop?

A. Yes, sir.

Q. Of the billet sheds about the first week in April of this year?

A. Yes, sir.

Q. Who was chairman of that meeting?

A. Mr. Peppard.

Q. Who else were present?

A. Carl Meyers.

Q. Who?

A. Carl Meyers.

Q. Who is Carl Meyers?

A. District manager. I know I just heard them say. I don't know who he is.

Q. Who else?

A. Mr. McConnell.

Q. Who is Mr. McConnell?

A. I guess he is higher than Peppard. I don't know what position he holds there.

Q. He is higher than Peppard. You meant in the Massillon plant?

A. Yes, in the Massillon plant.

Q. And anybody else?

A. Nick Lincolnhaley.

Q. Who is Nick Lincolnhaley?

A. That is the head—that is the head of the company representatives.

Q. You mean that he is head of the Employes Represtative Association?

A. Yes, sir.

Q. Do you know whether the Association was called then the Employes' Representative Plan?

A. Well, they always call it Employes' Representative. I don't know anything about it, anything else.

Q. All right.

At this meeting were there a lot of employes present?

A. Yes, the whole shift.

Q. The whole shift?

A. Yes.

Q. The whole turn?

A. The whole turn, one turn.

Q. Do you know about how many men are employed on your turn?

A. Well, I couldn't say, probably got a couple of hundred men in the chipper beds.

Q. When was that held? I mean what time of the day?

A. I believe it was 7 o'clock in the morning.

Q. Do you work on the night shift?

A. Eleven to seven.

Q. You work eleven to seven?

A. Yes.

Q. That is 11 o'clock at night until 7 in the morning?

A. Eleven o'clock at night until 7 in the morning.

Q. How were you notified of this meeting?

A. Well, the time we was relieved by the other fellows there we started to go out and punch our cards, and we seen men stringing out there along the road.

Q. I am sorry. You will have to speak louder because nobody can hear you. I can't hear you. I am a little deaf.

A. When we quit working there and started to go out to punch our cards, there was men stringing out, bosses stringing out the chipper beds there, and they told us to go out into the pipe shop, they had a meeting there. We went to the pipe shop there and we found all these—everybody was in there. Mr. Peppard, Mr. McConnell, Mr. Meyer, Mr. Lincolnhaley, George Pappas, and Happy North.

Q. Who is Happy North?

A. That is our representative.

Q. Yes. All right. Who was the chairman of the meeting?

A. Mr. Peppard.

Q. Did he say anything at this meeting?

A. He just introduced us Mr. Carl Meyers. He told us he is the speaker.

Q. Did he say anything else?

A. He told us about the company representatives, was

standing a little farther from the other side there on the righthand side.

Q. What did he tell you about the company representatives?

A. He told us about the company representatives, anything we have to say he says we have to tell them and they tell him.

Q. Anything you had to say?

A. Any complaints we had to make we should go to our representatives and make the complaints and then them fellows went to Mr. Peppard.

Q. All right. Do you remember how long this meeting lasted?

A. About 15 minutes. I don't know just exactly how long it lasted.

Q. You say he introduced Mr. Carl Meyers?

A. Yes, sir.

Q. Mr. Carl Meyers made a speech?

A. Yes, sir.

Q. What did Mr. Carl Meyers say?

A. Mr. Carl Meyers, he told us that the company could not give us 90 cents an hour that we asked for. He says we should leave the thing the way it was because it was bad for our part, for the chippers. He says there was some groups there that he paid more than—they averaged more than 90 cents, so he says if he give us 90 cents a straight rate without no bonus, why, the other fellows that was making 95 cents, they had got mad and have trouble again. So he says to leave the thing the way it was, and, furthermore, he says, "The company don't need this mill over there."

Q. He said what?

A. "The company don't need that mill over there."

Q. Yes.

A. He says, "The company don't need this mill over here, that it is only a branch." He says, "Can make the steel in another places," but he says, "I will tell you what I will do." He says, "I will put two more of that clean

carbon, two more furnaces of clean carbon just to keep this place going, to accommodate Massillon and you fellows so you won't lose your jobs."

Q. Mr. Meyers said he would put in two more—

A. Two more furnaces of clean carbon. I don't know what kind of steel that is, what he told us in speech.

Q. Just to accommodate Massillon and you fellows?

A. And us so we don't lose our jobs.

Q. Now, you speak about the fact that he wouldn't give you 90 cents an hour. Had you asked—had the chippers asked to have 90 cents an hour?

A. Yes.

Q. When was that?

A. Oh, it was about a week before that.

Q. Did you see Mr. Meyers, then?

A. No, he was not in that room I was in, not the first meeting.

Q. You were asking for a flat hourly rate of 90 cents an hour; is that right?

A. Yes.

Q. And then Mr. Meyers said that the company would not pay you that rate an hour?

A. No, he said it would be unfair to pay us 90 cents an hour.

Q. You asked for 90 cents an hour, did you not?

A. Yes.

Q. He said it would be unfair to give you 90 cents an hour?

A. Yes.

Q. Did you think it would be unfair to give you 90 cents an hour?

A. I don't know; that is what he thought.

Q. Were you ever asked to join the Employes' Representative Association?

A. Yes, sir.

Q. Do you remember about when that was?

A. The 3d day of May.

Q. This year?
A. Yes, sir; 1937.
Q. Who asked you to join?
A. Happy North.
Q. Who is Happy?
A. Representative, company representative.
Q. When did he ask you?
A. The 3d day of May.
Q. Were you at work?
A. Yes, where I was working there.
Q. Tell us just as fully as you can what happened when you were asked?

MR. DAY: I want to make the same objection to this conversation as was made to the other conversation; same reason.

TRIAL EXAMINER LINDSAY: Objection overruled; the record may show an exception.

(Exception noted for Respondent.)

MR. DAY: All conversations with this man North; is that his name?

MR. HUNT: North.

MR. DAY: Who is he?

MR. HUNT: He is one of the employes' representatives.

BY MR. HUNT:

Q. Who is Happy North?
A. Company representative.
Q. He is one of the representatives?
A. Represented us.

TRIAL EXAMINER LINDSAY: Do you still have another objection? I overruled one.

MR. DAY: No.

BY MR. HUNT:

Q. Will you tell us just as fully as you can what happened when Happy North asked you to sign one of these cards?

A. I was working there, and it was about 1 o'clock,

and Happy North come to me and he says, "What union you want to represent you?" I told him "I didn't want no union to represent me." "Well," he says, "well, I got a card here. I am going to fill out for you." I told him, "You can fill her out, but I am not going to sign." "Well," he says, "I will sign it for you." I told him, "If you going to sign it, you go ahead and sign. I am not going to sign." So he filled out the card and tried to give me that stuff, and I told him I didn't want it. I told him hand it to the fellow beside there, I said, hand it to him. There was another fellow standing beside him, and he handed it to him and that fellow had that card until the other day when I went in and got it.

Q. Was the card he asked you to sign like this (indicating)?

MR. DAY: Is that an exhibit?

MR. HUNT: Yes, I am just about to mention that.

BY MR. HUNT:

Q. This is Board's Exhibit No. 48.

A. Yes, sir.

Q. A card like that?

A. Yes, sir.

Q. Well, now, did you see him sign the card?

A. I did.

Q. And this is what he gave the other man?

A. Yes, sir; that is what he tried to give me and I told him to give to the other man.

Q. You mean he tore from this card this slip?

A. Yes, he tore off that big slip and took it in the office. I don't know what he done with it.

Q. He signed it himself with your name; is that right?

A. Yes.

Q. After you had refused to sign it yourself?

A. Yes, sir.

Q. Is that your signature?

A. No, sir.

Q. Well, suppose we have you write on the back of this to see what your signature is like.

(Witness writes his name.)

TRIAL EXAMINER LINDSAY: May I see that?

MR. HUNT: Yes, Board's Exhibit 48.

(The document was handed to the Examiner.)

TRIAL EXAMINER LINDSAY: Read a few questions back.

(The record was read.)

TRIAL EXAMINER LINDSAY: All right.

BY MR. HUNT:

Q. Do you identify this as the card which you have just been testifying about?

A. Yes, sir.

MR. HUNT: Mark this.

(The document referred to was thereupon marked for identification as "Board's Exhibit 52.")

BY MR. HUNT:

Q. You identify this, then, that has just been marked Board's Exhibit 52?

A. Yes, sir.

MR. HUNT: I would like to offer this in evidence.

THE WITNESS: Yes, sir.

MR. HUNT: Any objection?

MR. DAY: No, I don't think so.

TRIAL EXAMINER LINDSAY: Board's Exhibit 52 may be received in evidence.

(The document previously marked for identification as Board's Exhibit No. 52, was received in evidence.)

MR. HUNT: For the record, I would like to state that Mr. Mouyios has written his name on the back of Board's Exhibit No. 52, as just requested by me.

TRIAL EXAMINER LINDSAY: May I see it?

(Document was handed to the Trial Examiner.)

TRIAL EXAMINER LINDSAY: I would like to

have him write his name on a separate piece of paper.

BY MR. HUNT:

Q. Will you write your name on this separate piece of paper?

A. Yes, sir.

Q. Any place.

(Witness writes his signature.)

MR. DAY: May I see that card again, please?

MR. HUNT: Yes.

(Document was handed to Counsel.)

MR. HUNT: Mark this.

(The document referred to was thereupon marked for identification as "Board's Exhibit No. 53.")

BY MR. HUNT:

Q. Will you identify Board's Exhibit No. 53; what is that?

A. That is my name on there.

Q. You have just written your name at my request?

A. Yes.

MR. DAY: May we inquire the purpose of offering this exhibit?

TRIAL EXAMINER LINDSAY: What is that?

MR. DAY: May we inquire the purpose of offering this exhibit?

TRIAL EXAMINER LINDSAY: Comparison of signatures.

MR. DAY: All right.

MR. HUNT: I would like to offer in evidence Board's Exhibit No. 53, if there is no objection.

MR. DAY: For that purpose, there is no objection.

TRIAL EXAMINER LINDSAY: Board's Exhibit No. 53 may be received in evidence.

(The document previously marked for identification as Board's Exhibit No. 53, was received in evidence.)

BY MR. HUNT:

Q. Now, after he signed that you testified that you did not want it, and he gave it to somebody else?

A. Yes.

Q. And then Happy North did that?

A. Yes.

Q. Well, now, when North was talking to you trying to get you to sign this card, was anybody standing nearby?

A. Yes, the foreman was standing 25 feet away watching us to see what we was doing there.

Q. Your foreman?

A. Yes.

Q. Was standing about 25 feet away?

A. Yes, on his desk. He has got a little desk where he does the writing.

Q. What is the name of your foreman?

A. Left is his first name; I don't know his last name.

Q. Was the last name Hilbert?

A. I guess.

Q. You are sure of that?

A. I am sure of that. I know him by the name of Lefty, Lefty Hilbert.

Q. Spelled H-i-l-b-e-r-t?

A. I could not spell it.

Q. You pronounce it Lefty Hilbert?

A. Yes.

Q. When he was standing there was he watching you or was he working?

A. He was standing there watching me to see what I was doing.

Q. He saw you from the time North came up to you and asked you to sign?

A. Until North left.

Q. Until the time North left you?

A. Yes.

Q. About what time of the day was that?

A. That was about 1 o'clock in the afternoon.

Q. Did anything else happen of interest to you that day?

A. Yes. About 2:30 Lefty come to me where I was working there and he told me to go and see Mr. Peppard.

Q. Who told you?

A. Lefty told me to go and see Mr. Peppard.

Q. That is about an hour and a half—

A. About 2:30.

Q. That is about an hour and a half after you refused to sign, your foreman came up to you?

A. Yes.

Q. He told you to do what?

A. He told me to go up and see Mr. Peppard. He said, "I know he is going to lay you off," he says, "but I cannot help it."

Q. Who is Mr. Peppard?

A. Superintendent of the billet sheds.

Q. The foreman said to you what?

A. The foreman told me to go and see Mr. Peppard, I know he is going to lay you off, but I cannot help it.

Q. Did you go to see Mr. Peppard?

A. Yes, sir. I went in his office. Mr. Peppard was in there. I asked him why he was laying me off. First thing he asked me, "You come here in 1935?" I told him yes. I told him why he was laying me off. I said, "There is a lot of younger men in the billet sheds than me and you lay me off and keep those fellows working." Well, he took a little book out and turned it over, and he looked at it and he said, "Well, I cannot help that."

Q. You say there were men younger in point of service?

A. Yes; I told Mr. Peppard I could take him down there and show him the men that was younger than me in there and he said he could not help that.

Q. That was in answer to what was said about laying off men who were employed since 1935; is that right?

A. Yes.

MR. HUNT: That is all.

Cross Examination

BY MR. DAY:

Q. Mr. Mouyios, you were laid off on May—

A. Third.

Q. —3d, of this year?

A. Yes, sir; 1937.

Q. You belonged to C. I. O.?

A. Not at that time.

Q. You joined since?

A. I did.

Q. When did you join the C. I. O.?

A. About a week after I got laid off.

Q. Have you been taking your turn on the picket line?

A. I have.

Q. You were a chipper?

A. Yes, sir.

Q. Do you know that between April 22d of this year and May 7th of this year there were approximately 184 chippers laid off?

A. I know it.

MR. HUNT: I object to that. I don't know that it is within his knowledge. If they want to prove it, the company can submit its records.

MR. DAY: I think that is true, but I think I can ask him on cross-examination if he knows that to be a fact.

TRIAL EXAMINER LINDSAY: Oh, you may go ahead.

A. Yes, sir.

BY MR. DAY:

Q. And your date was May 3d?

A. Yes, sir.

MR. DAY: I think that is all.

Redirect Examination

BY MR. HUNT:

Q. How do you know it was 184?

MR. DAY: I said approximately.

BY MR. HUNT:

Q. Approximately 184 chippers were laid off.

A. I don't know how many were laid off, but I know they laid off chippers.

Q. You just know they were laying off chippers?

A. Yes, but I didn't say how many were laid off.

Q. And you were told they were men who were employed since 1935?

A. Yes.

Recross Examination

BY MR. DAY:

Q. So you want your testimony to show you do not know there were 184, but there was some laid off when you were?

A. Yes.

MR. DAY: I will accept that qualification of his testimony.

TRIAL EXAMINER LINDSAY: This is off the record.

(There was a discussion off the record.)

(Witness excused.)

MR. LAUTER: It is near 12 o'clock. Shall we take a recess before the next witness, about five to twelve?

TRIAL EXAMINER LINDSAY: All right. We will adjourn until a quarter of two today. Is that all right. Will that give you plenty of time?

(Whereupon, at 11:55 o'clock a. m., a recess was taken until 1:45 o'clock p. m. of the same day.)

Afternoon Session.

TRIAL EXAMINER LINDSAY: The hearing will come to order.

MR. HUNT: I would like to recall Peter Mouyois to the stand.

Peter Mouyois.

TRIAL EXAMINER LINDSAY: Did you say you sent for him?

MR. HUNT: I have sent for him, yes.

TRIAL EXAMINER LINDSAY: Do you know about how long it will take?

MR. HUNT: I haven't any idea of where he has gone, but I have sent two messengers out for him, so probably he will be back in half an hour. We will proceed with other witnesses, however.

TRIAL EXAMINER LINDSAY: All right.

MR. GROSSMAN: Charles Mossop.

TRIAL EXAMINER LINDSAY: Do you have his last name? Will you spell it out?

MR. GROSSMAN: M-o-s-s-o-p.

CHARLES MOSSOP

a witness called by and on behalf of the National Labor Relations Board, and, having been first duly sworn, testified as follows:

Direct Examination

BY MR. GROSSMAN:

Q. What is your address, Mr. Mossop?

A. R. F. D. 1, Massillon.

Q. Massillon, Ohio?

A. Yes, sir.

Q. Are you an employe of the Republic Steel Corporation?

A. Yes, sir.

Q. When did you first enter the employ of the Republic Steel Corporation?

A. August, 1915.

Q. 1915?

A. Yes, sir.

Q. Was that at Massillon, Ohio?

A. That was in Massillon.

Q. Well, the Republic Steel didn't own it, then. What was its name, then?

A. Peerless Drawn Steel.

Q. Peerless Drawn Steel. And that was subsequently merged with the Union Drawn Steel?

A. Yes, sir.

Q. And eventually taken over by Republic Steel?

A. Yes.

Q. What is your position in the mill? What do you do, Mr. Mossop?

A. Pipe fitter.

Q. Pipe fitter?

A. Yes, sir.

Q. Do you remember some time in April of this year being asked to join an association in the mill?

A. Yes, sir.

Q. Will you state for the record, in substance, what occurred at that meeting?

A. Well, I was going through the boiler house on my way to make a repair on a boiler, and there was four men at the boiler house stopped me, presented me with a card. I asked them what it was. Why, they said they didn't know. I said, "Where did you get the cards?" "Why, Earl Willy gave them to us." "Well, what are they?" "I don't know. All we know is Earl Willy gave us the cards and told us to get them signed."

Q. Who was Earl Willy?

A. Earl Willy, he does some millwright work, some

work in the machine shop, and is a stockholder of the company.

Q. Were you ever asked to sign that card again?

A. Yes, about a week later my foreman, Otto Hense, asked me to sign this card.

Q. Your foreman, Otto Hense?

A. Yes, sir.

Q. Asked you to sign a card?

A. Yes. And I didn't sign it. It was right after the whistle blew at 7 o'clock in the morning. So I went back in the machine shop, talked to him about 9 o'clock, and he asked me to sign again. Then I said—he said, "I got the rest of the boys to sign," he says, "you are the only one that hasn't signed." And he mentioned two that he got to sign, Dutch Domer and Eddie King. He said, "Come on, sign it." He said, "It don't mean anything. It don't mean a thing." So I said, "All right, I will sign it."

Q. Do you remember the name of that association, Mr. Mossop?

A. Well, the same day they asked me to sign these cards, just about quitting time, one of those men came in and handed me a blank, although I hadn't signed the card, and it said, "Security League."

MR. DAY: What?

THE WITNESS: Security League.

BY MR. GROSSMAN:

Q. Did you get a card, too?

A. No.

Q. Just a badge?

A. Just a badge.

Q. Are you a member of the C. I. O.?

A. Yes, sir.

Q. When did you join the C. I. O.?

A. In March of 1937.

MR. DAY: I move to strike out that conversation on the ground that there has been no connection

showing authority on the part of the Respondent, or any knowledge on the part of the Respondent.

TRIAL EXAMINER LINDSAY: Motion denied, and let the record show an exception.

(Exception noted for Respondent.)

BY MR. GROSSMAN:

Q. On May 25th, when the strike was called, did you go out on strike, Mr. Mossop?

A. Yes, sir.

Q. You did?

A. I went to the plant and they told me there was a strike on there, was picket.

Q. You mean you were on the off-turn that day?

A. I was on the off-turn. I worked all days, I never worked any night turns.

Q. I see. And did you gain admission to the mill that day?

A. No.

Q. You didn't?

A. No. They told me there was a picket line set up, and I turned around and went back home.

Q. Did you ever, after the strike was started, seek re-employment at the mill or try to get your job again?

A. Yes, sir.

Q. When did you try to get that job?

A. July 2d.

Q. What did you do then?

A. I called my foreman and told him I was coming in to work the next day.

Q. Your foreman is Otto Hense?

A. Yes, sir.

Q. What did he say?

A. Well, he said, "We are not doing much. We are just cleaning up. Our Mr. Stern will call you up in a few days."

Q. Who is Mr. Stern?

A. The employment man.

Q. The employment man?

A. Yes.

Q. You mean the employment manager at the Union Drawn Steel plant?

A. Yes.

Q. Did you hear from them?

A. No. I called—I called Mr. Stern on the night of the 6th. He said, "I will call you the next day." So I drove down to the foreman's house, Otto Hense, on Kent Street, and talked to him. And he said, "You go down and see Mr. Stern today." He said, "I am pretty sure he will give you a pass. You got to have a pass from him before you can get in."

So the next day would be the 7th of July, I called, when Stern was to call me—he didn't call me up until 4 o'clock, and I called him. I just don't remember just what he said, whether he said, "We will call you," at the present time. I think that is what he said on the 7th of July. If I remember right it was "I will check up and I will call you."

Q. Did you ever hear from Mr. Stern after that?

A. On the 15th of July I called his office.

Q. You called at his office?

A. Yes.

Q. Well, had he requested you to call?

A. No. No, I went in and talked to him. He said, didn't have very much business, and he said, "We will call you when we need you." That was—I left the office, then. So then I went back on the 3d of August. So I went in his office, and I asked him, "How is chances of getting my job back?" He said, "No." I said, "Well," I said, "how is chances of getting my job back?" Well, he said, "I don't know any more than when you was here the other time." He said—I said, "What are you holding me out for?" He didn't answer. I said, "Couldn't be on account

of my work. I always took an interest in my work and kept it up. Still he didn't answer. Oh, I said, "I guess it is because I belong to the C. I. O., done a little talking, I tried to sign up a couple of members, and I asked one fellow before the strike if he wants to sign up and went after him." "Well," he said, "this wouldn't be a pleasant place for you to work, anyhow. A few of the boys are sore at you because you joined the union."

Q. He said, "This wouldn't be a pleasant place for you to work in"?

A. Yes. I said—I said, "I didn't know I had any enemies here." Before, when he finished, he said, "This is an awful mess." And I said, "I didn't know I had any enemies here." He didn't answer. I said, "Well, by that you mean you are not going to call me back?" He said, "We will call you when we want you."

Q. And he has not called you yet, has he?

A. He hasn't called me yet.

Q. In the 22 years that you worked at that plant, were you ever called in for unsatisfactory work, or anything like that?

A. No, absolutely not.

Q. Never had any complaint lodged against you at all?

A. No.

Q. Mr. Mossop, just another question. You said you were a steam fitter in the Union Drawn Steel plant?

A. Yes, sir.

Q. Were you the only steam fitter there?

A. I am the only steam fitter in the plant.

Q. To your knowledge, is there another man doing steam fitting work there now?

A. I have been told, and I am fairly well sure that he is. I can name the man if you wish me to. Name the man, name his name.

Q. No, it is not necessary to name the man, but you were the only man there before the strike?

A. Yes, sir.

MR. GROSSMAN: All right, that is all.

MR. DAY: That is all.

(Witness excused.)

PETER DeMOS

a witness called by and on behalf of the National Labor Relations Board, and, having been first duly sworn, testified as follows:

Direct Examination

BY MR. HOSKINS:

Q. Your name is Peter Demos?

A. Yes.

TRIAL EXAMINER LINDSAY: How do you spell that?

MR. HOSKINS: D-e-m-o-s. The first name is Peter.

BY MR. HOSKINS:

Q. Where do you live?

A. 503 Perry Street, Southeast, Canton, Ohio.

Q. Have you ever worked for the Republic Steel Corporation?

A. Yes, sir.

Q. How many times?

A. Four different periods.

Q. Four different periods. Will you tell us when the first time you went to work was?

A. The first time it was on June, 1933, about the 27th day of June.

Q. At what plant was that?

A. The Canton plant.

Q. The Canton plant. How long did you work at that time?

A. About three months a half.

Q. About three months a half. When was the next time you went to work for Republic?

A. It was the 15th of March, the next year, 1934.

Q. The 15th of March, 1934?

A. Yes, sir.

Q. Was that also at the Canton plant?

A. No, in Massillon.

Q. That was in Massillon. How long did you work in Massillon at that time?

A. Up to the last day of June, 1934.

Q. Then your next period of employment—

A. It was the next year, 1935, 10th of January.

Q. Where was that?

A. In Massillon.

Q. That was in Massillon. Your last period of employment?

A. Last period 25th or 26th day of November, 1935. I do not remember exactly the date, but I remember it was Thanksgiving Day, the day I was hired.

Q. Are you a member of the C. I. O.?

A. Yes.

Q. When did you join?

A. Last March.

Q. Last March. Do you remember that was before or after Easter Sunday?

A. It was before that.

Q. It was before Easter Sunday?

A. Yes.

Q. Now, in March of last year was there a meeting in your plant?

A. Yes.

Q. What was the purpose of this meeting?

A. We were at work and we were told to lay our tools down in groups, ten men at a time.

Q. Who told you to lay your tools down?

A. Our foreman.

Q. What is his name?

A. His first name is George.

Q. His first name is George?

A. I do not know his last name.

Q. Will you tell us what transpired after that?

A. Each group of ten laid down and go into Mr. Peppard's office.

Q. Who is Mr. Peppard?

A. He is superintendent of the billet steel department.

Q. Do you know his first name?

A. Ralph.

Q. Ralph Peppard?

A. We went into his office and we were met by the representatives of the Employes' Representation Plan, there were four or five of them.

Q. Do you know any of their names?

A. One of them.

Q. What was his name?

A. George Pappas.

Q. How do you spell that?

A. P-a-p-p-a-s.

Q. What transpired when you came into the meeting room?

A. As soon as we got into this room we have our badge number taken down on a piece of paper.

Q. You had your badge numbers taken down on a piece of paper?

A. Written down upon a piece of paper by one of them.

Q. By one of the representatives?

A. Yes.

Q. How did they take your badge numbers down, do you wear your badges?

A. We wear our badges at work.

Q. Go ahead.

A. Then one of them, they explained to us what was the purpose they called us in, they called us, they want us to sign either a petition or resolution, but they told us orally, I didn't see anything written.

Q. Just go a little slower, will you?

A. He says, "We called you boys in here to sign, so that with your signature fixed opposite your badge number, that you are satisfied with the kind of representation, employes' representation we got this kind in the plant." And I asked him, "Is there any other paper to sign for those who do not approve or are not satisfied with this employes' representation plan?" They laughed at me and told me there was none. So I say, "What is the use, then, tell us to sign something as long as we cannot approve it or disapprove it? You might as well take our badge numbers and write our names down yourself and make it 100 percent unanimous. Well," I told them furthermore, "this Representation Plan was not of my own choice." At the same time I say to this Plan they did not ask me if I like it or not.

TRIAL EXAMINER LINDSAY: Just a little slower.

THE WITNESS: That time when we had elections they handed me a ballot and told me to go and vote in primaries for candidates and in the elections, you know, for representative.

BY MR. HOSKINS:

Q. Do you mean by that that when this Employes' Representation Plan was placed into effect, you had no choice in the matter?

A. No.

Q. I mean, it was just put in there?

A. Yes.

Q. All right.

A. Well, they say we—anyhow, he says we have to get your signatures down by signing this paper, one of

them told us. It was George Pappas. This does not mean you lose your right to belong to any other union that you wish, for instance, the National Federation of Labor, or C. I. O. You can join them, but first you must sign here that you are satisfied with this plan.

Q. You could sign this paper stating that you were satisfied with the present Plan of Representation and still belong to the C. I. O., he told you?

A. If you wish, he said, but it does not stop you from belonging to the other.

Q. You said this was explained to you when you went in; how was it explained? Did they read to you anything from the paper which you were to sign?

A. I don't think so; I think it was only explained orally.

Q. Was it explained in English?

A. And in Greek.

Q. In Greek?

A. Yes.

Q. Who explained it in Greek?

A. George Pappas.

Q. That is the representative you just mentioned?

A. Yes.

Q. You stated when you came into the room they took down your badge numbers?

A. Yes.

Q. And then they explained the purpose of the meeting and asked you to sign the paper?

A. Yes.

Q. And was the paper which you were to sign the same paper upon which your badge number appeared?

A. Yes.

Q. Does it follow that if you refused to sign, your badge number would remain on that paper without your signature?

A. Yes.

Q. As I understand it, they likewise told you they had no cases for you to sign to express the disapproval?

A. Yes.

Q. Did you sign the paper?

A. Yes, under protest.

Q. You signed under protest. Did you hear any more about this petition which you signed?

A. It was a week or two weeks later we saw in the local papers a news item that the employes of the Republic Steel Corporation, Massillon, rejected the C. I. O., and copies of this resolution, or petition, were sent to the local authorities and to the State authorities to show that the employes were satisfied with the Representation Plan and they did not desire any outside interference from an outside union.

Q. How long were you in this meeting that you have just spoken about?

A. Five or ten minutes.

Q. Five or ten minutes. Was there any deduction in your pay for that time that you were in there?

A. No.

Q. Did you attend the meeting on Easter Sunday of that year?

A. Yes.

Q. Will you tell us about that meeting?

A. Yes. We—a week later since we signed that paper, that we approve, we are satisfied with this representation, we were again sent to Mr. Peppard's office by our foreman, and again we were met by this Representation, Employes' Representation Plan representatives.

Q. You say you were again met by them? Was it the same group of representatives who were present at the previous meeting?

A. Yes.

Q. All right.

A. We were told that each group, because we work

in groups in our department, ten men in each group, were to elect one to represent this ten men.

Q. How many groups are there in your department?

A. I think fifty-five or sixty.

Q. Fifty-five or sixty groups of ten men each?

A. Probably more than that.

Q. All right.

A. And those were to be elected by each group to meet the next Sunday, Easter Sunday, at Mr. McConnell's office.

Q. Who is Mr. McConnell?

A. General manager of the Massillon plant.

Q. Do you know his first name or initials?

A. I don't know his first name or his second.

Q. All right.

A. So all of the groups elected one man to represent them. I was one of—my group elected me to represent them at this meeting. That next Sunday was Easter Sunday we went into Mr. McConnell's office.

Q. In other words, the meeting of the representatives selected by these groups was held in Mr. McConnell's office?

A. Yes.

Q. What happened that day?

A. We went up there about 10 o'clock in the morning. Mr. Peppard was there and introduced us to Mr. McConnell. I did not know Mr. McConnell before.

Q. I think you have explained that Mr. Peppard is the superintendent of the billet department. The representatives that were elected—

A. The representatives that reside in Massillon, they got together before the meeting and elected a spokesman to speak in behalf of them. They elected one to speak in behalf of all of us representatives.

Q. What was the purpose of this Easter Sunday meeting?

A. The purpose was to express our complaints or grievances we had on wages.

Q. All right.

A. As soon as the meeting started Mr. Peppard introduced Mr. McConnell and asked us what the trouble was, you men come to Mr. Peppard's office and complain about your wages. "Now, I am here today and you can tell me what it is all about." The man who was elected to speak in behalf of us, he told Mr. McConnell, and he says, "The first term of our meeting is that employes' representatives be put out of this hall," because they were also present, I think four or five of them. Mr. George Pappas was there, too. Mr. McConnell refused to yield to that and so our spokesman said, "The meeting is off in that case, and everybody rose up and reached for their hats and coats, ready to go out." At that time I got up and stopped them from walking out. I said, "We come up here to talk about wages and not representation."

Q. Slower and louder.

A. I got up and I told them not to walk out because the subject we called for at that meeting was the subject of wages and not of representation, and those representatives had as much right to be there as you have, because they were employes of the same corporation, the Republic Steel Corporation. The boys agreed to that, but the man who was our spokesman demanded that those representatives remain in the hall during the meeting, but shall not talk or take part in any of the deliberations of our meeting.

Q. It was demanded that the representatives, if they remained, that they were not to take part in the discussion; is that right?

A. Yes, in the discussion. To this, Mr. McConnell yielded.

Q. A little slower and a little louder.

A. Then we told Mr. McConnell what was our grievances and we all agreed that we were instructed by our

respective groups to demand 90 cents an hour, flat hourly rate, instead of this bonus system instead of the elimination of the bonus system. Mr. McConnell said, "Do you all agree?" because not all spoke, a few spoke and made the same demand. They all said yes in one vote, but Mr. Peppard said, "Let us take a vote to that." So Mr. Peppard got a piece of paper in his hand and a pencil, and he started from the front row. He said anyone who is in here will just call his badge number and his name, and say what was the—

Q. Try to talk a little louder and slower.

A. Well, the first man said, "My badge number is so and so, and my name is so and so, and my respective group instructed me"—

Q. Without bothering too much about the details in this meeting, what was the outcome? What did Mr. Peppard do?

A. They all voted for 90 cents an hour, flat hourly rate, and elimination of the bonus system.

Q. What did the company agree to do then?

A. Mr. Peppard and Mr. McConnell spoke about that and said, "We cannot promise you anything right now because we have superiors. As we are your bosses we have others who are above us and we have to consult them before we promise you anything."

Q. And what was agreed on between the management and the men after the outcome of your request?

A. Yes; agreed upon to let us know in a week or ten days.

Q. Did they let you know in a week or ten days?

A. Yes.

Q. Will you tell us how they let you know?

A. Yes. We were working. We were told by our foreman to lay our tools down and to go to a hall. There was an old pipes up, it was equipped with temporary wooden benches for our convenience. We sat down, about 250 or

300, I don't remember exactly how many. It was our turn.

Q. Who spoke at that meeting?

A. Mr. Peppard was there and Mr. McConnell. They introduced to us Mr. Carl Meyers.

Q. Who is Carl Meyers?

A. He was introduced to us as the assistant general manager of the Massillon plant.

Q. What did Mr. Meyers have to say to you?

A. Mr. Meyers spoke to us and asked us what was our grievances, the company was paying good wages, there is a good system of wages, and they are all satisfied except the billets department. He said, "What is the matter with you, I would like to know that? I want someone to talk to me and tell me what it is all about." Nobody spoke, nobody answered him, they all remained silent. He again spoke, he said, "Isn't anyone going to speak to me?"

Q. Did anyone speak to him?

A. Yes.

Q. Who?

A. I asked the permission to talk to Mr. Meyers, and I told him the same thing we told Mr. Peppard and Mr. McConnell in the previous meeting.

Q. What was the final result of that meeting?

A. Mr. Carl Meyers promised to us that he will agree on pay day we will receive more than 90 cents an hour on our pay checks.

Q. And as you left that meeting that day, did anything unusual transpire that you remember?

A. Yes.

Q. Will you tell us what that was?

A. On my way from the hall, from the meeting place to my work, I was confronted by someone who asked my badge number.

Q. Who was this man who confronted you and asked you your badge number?

A. His name is Whitie Taylor.

Q. Who is he?

A. Well, he is an inspector in our department.

Q. He is an inspector in your department?

A. Yes.

Q. Does he have any other connections down there that you know of?

A. Well, I was questioned about this fellow by other employes to be careful because we were told he was a company spy.

Q. You were cautioned to be careful?

MR. DAY: We move that be stricken out.

TRIAL EXAMINER LINDSAY: What was that? I didn't catch that.

(Answer read.)

TRIAL EXAMINER LINDSAY: It may remain, and you may have an exception.

(Exception noted for Respondent.)

BY MR. HOSKINS:

Q. You say that Taylor asked you for your badge number?

A. Yes.

Q. Did you have any conversation with him at that time?

A. Yes. I ask him why. He told me, he says—

MR. DAY: We have this same objection on the same ground stated? Between any conversation with Whitie Taylor?

TRIAL EXAMINER LINDSAY: Yes, and the ruling will be the same.

(Exception noted for Respondent.)

A. I asked him why. I asked him why he was asking me my badge number. He said that he liked me and he liked what I said in that meeting to Mr. Carl Meyers, and if he meets me down town he would treat me to a glass of beer.

BY MR. HOSKINS:

Q. He was going to treat you to a glass of beer when he met you down town?

A. Yes. I told him, "Listen, my friend, I don't wear my badge down town, and you see me every day. You recognize my face. You can recognize it down town. Because I know why you asked me for by badge number, but I don't care. Here it is," And I gave it to him.

Q. All right.

After that time, Mr. Demos, and while you were still working, were you ever approached in the mill, or any place else, and requested to join any union?

A. Yes.

Q. And who approached you?

A. Charles Pappas.

Q. You have already told us about George Pappas? He is an employe representative?

A. Yes.

Q. About when was that that he approached you?

A. Oh, it was the last day of April, 1937.

Q. All right. Where were you at the time?

A. I was working.

Q. You were working?

A. Yes

Q. Will you tell us how he approached you and what transpired afterwards?

A. He was still on the railroad track that goes through the plant where the chipper bed is, and he waved at me to go to him. So I went and ask him what he want from me. He tell me, he says, "Pete, you are a leader."

Q. You are a what?

A. A leader, he says, among the employes.

Q. You are a leader here?

A. Yes. He says, "You can talk to them and you can make them to listen to you. And I will tell you something." He says, "In this plant now is a new union is going to

be formed that will not be the old union as we know it financed by the corporation, but a new union into which we pay dues." He said, "About $2 a year instead of paying $12 to any outside union like the C. I. O., or American Federation of Labor, or any other union, we pay only $2. We finance our business."

MR. DAY: Will you read that last answer?

(Answer read.)

MR. DAY: I want to object on the ground that there is nothing in the complaint to justify this conversation?

TRIAL EXAMINER LINDSAY: That what?

MR. DAY: Nothing to connect this conversation or this conversation or this man with the company, and the evidence does not relate to any charges set forth in the complaint.

TRIAL EXAMINER LINDSAY: You mean referring to this new union?

MR. DAY: Yes.

TRIAL EXAMINER LINDSAY: Well, I will overrule your objection and let the record show an exception. I again might invite your attention to paragraph 27 of the complaint.

MR. DAY: We have examined paragraph 27.

TRIAL EXAMINER LINDSAY: All right.

MR. HOSKINS: Will you read Mr. Demos the latter part of his answer.

(Record read.)

BY MR. HOSKINS:

Q. Do you have anything else to say at this time?

A. Yes. He said to me that in Canton, in Warren, in Buffalo, and other areas where the Republic Steel Corporation operates steel plants, they all join this union 100 percent. And he told me if we wouldn't do the same thing in here they are going to close down this place, and where others will be working in the other plants full time, will

be remain idle in here holding the bag.

Q. Did he invite you to join this new union?

A. Yes. He told me, "You must sign this," because he says, "you will be sorry if you don't sign. And if anything happens to you don't you come back and tell me that I did not warn you."

Q. Did he state whether this new union had the approval of the company, or not?

MR. DAY: I object to that question, Mr. Hoskins.

MR. HOSKINS: I will be glad to withdraw the question.

BY MR. HOSKINS:

Q. Did he give you any indication of the size of this new union?

A. What do you mean?

Q. Did he give you any indication of the size of this new union, how many men will be in it?

A. He tell me they will be 100 percent.

Q. What was your final answer to him?

A. I told him that I will not sign, regardless of what will happens to me. I say, "Every year for four years now I am laid off. I work sort of a period of three or four months and then I remain idle the remaining of the year, and if the same things happens to me this year I am used to it. I won't sign."

MR. PONTIUS: I didn't get that.

MR. HOSKINS: Do you want it read? Will you read that, please?

(Answer read.)

BY MR. HOSKINS:

Q. Were you, as a matter of fact, discharged subsequent to this time?

A. No.

Q. Did you continue working up until the period of the strike?

A. No.

Q. Well, then, you were discharged. Did you quit?

A. I was laid off.

Q. All right. When did that transpire?

A. It was the fourth or the fifth day of last May.

Q. Will you give us the circumstances surrounding your being discharged or laid off, as you put it?

A. Yes.

Q. On that day?

A. I was working night turn from 11 o'clock until 7 in the morning. About 7 in the morning my foreman approached me and he told me, he says, "Mr. Peppard wants to see you at his office." I went to Mr. Peppard's office. I found Mr. Peppard sitting there with his assistant, and when he saw me, he says, "Peter Demos?" I says, "Yes, that is my name." He says, "Pete, I am sorry, but we going to lay you off." I said, "I expected that." Mr. Peppard say, "Pete, listen here. This is not what you think." "Well," I say, "what do you mean by that? I was approached and asked to sign a company—a union, and because I refused then that is what I get." Mr. Peppard told me that is not so, they had to lay off men on account of business getting slack a little. "Well," I said, "Mr. Peppard, I don't think I am a bad workman. You had no complaints about me whatsoever." He admitted that. He says, "Yes, Pete, you are a good worker, and I haven't had no reports on you, no complaints from any foreman or anything."

I say, "Why then you discriminate against me?" He said, "I am not discriminating against you, but here it is." And he pulled from his desk a paper, and he had the names on it, and he says, "Here it is. You were hired on the 25th or 26th " I don't remember exactly the day he told me, of November, 1935. And he says, "You are the younger man in here. That is why I have to lay you off." Being he has nothing else to say, I left.

Q. To your knowledge, were there any men who con-

tinued working who had been hired after you had been?

A. Yes, many.

Q. Can you give us any of their names?

A. Yes. There were at least—I know three men who were remained to work up until the time of the strike, though they were my juniors in the service. One of them, his name Pete Fecundas. Another one is Charley Martenez.

Q. Are there any others?

A. Pete Ognerevich. I don't know—I have the name down here. I took his name down, and I know the date he was hired after me. Ognerevich.

Q. Will you read that aloud?

A. It is Peter O-g-n-e-r-e-v-i-c-h.

Q. All right. Now, Mr. Demos, at the time of this conversation when Mr. Peppard told you that he had to let you go, did he offer you any promise of re-employment?

A. Yes. He said, "If we start to re-hire any men, you will be considered. So you leave your address in here and name, and we call you when we need you."

Q. Did he ever call you?

A. No.

Q. Do you know of anyone who has been employed in your department since you were laid off?

A. Yes.

Q. Do you know his name?

A. I don't know their names.

Q. Did you ever return to the mill after that date to try to get your job back?

A. Yes, as soon as I was told that they hired some new men or old laid-off employes—I don't know what they were—I went to see Mr. Peppard. I went into Mr. Peppard's office and told him about it. He said, "Nothing doing right now, but we call you when we need you."

Q. Are you working at the present time, Mr. Demos?

A. Yes.

Q. Without mentioning the name of your employer, what is your position?

A. I am a common laborer now.

Q. You are a common laborer?

A. Yes.

Q. Are you earning more or less money than you earned when you were with Republic?

A. Yes.

Q. How much do you make now?

MR. DAY: We want to object.

A. About $5 a day.

MR. DAY: This man is not named in the complaint as one who was improperly discharged. At least, I think that is a correct statement.

MR. HOSKINS: Counsel is correct, and I consent to the withdrawal of the question.

MR. DAY: All right.

TRIAL EXAMINER LINDSAY: Then you withdraw your objection?

MR. DAY: What is that?

TRIAL EXAMINER LINDSAY: Then you withdraw your objection on this, now that it is withdrawn?

MR. DAY: Oh, yes.

BY MR. HOSKINS:

Q. Do you desire to return to work at the Republic?

A. Not after working at this place where I am working now.

Q. Why not?

A. Because my employer, my new employers, they deal with me in fairness, to which I was unaccustomed when I was working with the Republic Steel Corporation.

MR. HOSKINS: That is all.

MR. DAY: What is that last answer?

(Answer read.)

MR. DAY: No cross-examination.

(Witness excused.)

MR. HUNT: I would like to recall Peter Mouyios to the stand.

PETER MOUYIOS

was thereupon recalled as a witness by and on behalf of the National Labor Relations Board, and, having been first duly sworn, testified further as follows:

Direct Examination

BY MR. HUNT:

Q. Mr. Mouyios, you left the employ of the Republic Steel Corporation, as I understand it, on May 3d?

A. Yes, sir.

Q. Have you worked anywhere else since that time?

A. No, sir.

Q. You have earned nothing else since that time?

A. No, sir.

Q. Do you recall how much you were paid, what your earnings were when you worked with the Republic Steel Corporation?

A. Sixty-two and one-half cents an hour.

Q. Sixty-two and one-half cents an hour?

A. Yes.

Q. Did you receive any bonus in addition to that?

A. Yes, sir.

Q. Do you recall how much that was?

A. That runs us 71, 72 cents an hour.

Q. Your bonus?

A. Bonus and all.

Q. The bonus and all?

A. Bonus and day rate.

Q. In other words, the bonus amounts to 7 or 8 or 9 cents an hour?

A. I don't know what it amounted to. That is drawn every day, 72, 73 cents an hour, bonus and day work.

Q. You were paid at an hourly rate, flat rate of 62½ cents an hour?

A. Yes.

Q. How many hours did you work?

A. Eight hours.

Q. How many days a week?

A. Five.

Q. Five days a week?

A. Yes, sir.

Q. Did your bonus vary, change from time to time, or was it a certain set sum?

A. Well, sometimes we would have 70 cents, sometimes we would have 72 cents, sometimes 75. That runs up every day. That runs up to 72 cents an hour.

Q. Now, the 72 cents included your 62½ cents an hour?

A. Yes, and bonus.

Q. Now, just the bonus itself?

A. I couldn't tell you. I don't know how much.

Q. You have no record?

A. I have no record of bonus, how much the bonus run.

Q. Did you work steadily 8 hours a day for 5 days a week before you left the company?

A. Well, before that meeting was called we used to work 48 hours a week and get paid $52, but after that meeting we work three and four hours and they sent us home.

Q. Three or four hours a day?

A. Yes.

Q. What meeting are you referring to?

A. That meeting Mr. Meyers was called over there.

Q. When was that?

A. That was the first part of April.

Q. After that you worked only three or four hours a day?

A. Yes.

Q. How many days a week did you work?

A. Five days a week.

Q. You don't recall the exact number of hours each day you worked?

A. No.

Q. That changed from time to time?

A. Yes.

MR. HUNT: That is all.

Cross Examination

BY MR. DAY:

Q. You were a chipper, were you not?

A. Yes, sir.

Q. And when the furnaces slacked down there was less chipping work to do, wasn't there?

A. Well, that must be.

Q. What?

A. That is what they tell me, they didn't have no more work. They sent us home.

MR. DAY: That is all.

(Witness excused.)

MR. LAUTER: Do you want to step up, Mr. Day?

TRIAL EXAMINER LINDSAY: Off the record.

(There was a discussion off the record.)

MR. LAUTER: I wish at this time, if it pleases the Examiner, to state for the record that the hearing in this case will be adjourned. I am requesting that it be adjourned until a week from tomorrow, which is a Friday. Now, the exact date is August 20th, 1937.

TRIAL EXAMINER LINDSAY: The adjournment will be granted until August 20, 1937, and the case will be adjourned to Youngstown, Ohio. At the present time we have not located a building there. That

will be taken care of some time between now and the 20th, and I request that the attorney representing the Board, Mr. Lauter, give notice to the attorneys representing the Respondent as to the place of the hearing. I think that notice should be at least two or three days preceding the date of the reconvening at Youngstown.

Do you think you can do that, Mr. Lauter?

MR. LAUTER: Yes. We plan to leave immediately for Youngstown, and as soon as we make arrangements I will give even more notice, if I can.

MR. DAY: Will it be in the morning, Friday morning?

TRIAL EXAMINER LINDSAY: Ten o'clock, Friday morning. That arrangement of notice will be satisfactory?

MR. DAY: Oh, yes.

TRIAL EXAMINER LINDSAY: To both you and Judge Pontius?

MR. LAUTER: I will be glad to personally notify Mr. Day at his Cleveland office.

MR. DAY: All right.

TRIAL EXAMINER LINDSAY: That type of a notice will be satisfactory?

MR. DAY: Oh, yes.

MR. LAUTER: I will call him on the phone.

(Whereupon, at 2:30 o'clock p. m., August 12, 1937, the hearing was adjourned to August 20, 1937, in Youngstown, Ohio, at 10 o'clock a. m.)

Courtroom No. 6, Mahoning County Courthouse, Youngstown, Ohio, Friday, August 20, 1927

The above-entitled matter came on for hearing, pursuant to adjournment, at 10 o'clock a. m.

Before

JOHN T. LINDSAY, Trial Examiner

Appearances:

Mark Lauter, Esq., Oscar Grossman, Esq., and Joseph A. Hoskins, Esq., appearing for the National Labor Relations Board.

Luther Day, Esq., and Thomas F. Veach, Esq., of the firm of Messrs. Day, Young & Veach (1420 Union Trust Building, Cleveland, Ohio), and T. F. Patton, Esq., Republic Building, Cleveland, Ohio, David E. Jones, Esq., and Charles F. Smith, Esq., (Canton, Ohio), appearing for the Respondent, the Republic Steel Corporation.

PROCEEDINGS

TRIAL EXAMINER LINDSAY: The hearing is called to order.

We are having considerable noise in this room and I want everyone to understand that I do not tolerate any demonstrations from anyone in this court. We must have it absolutely quiet, and I hope everyone will respect that order.

MR. LAUTER: I will call Mr. Gallagher.

TRIAL EXAMINER LINDSAY: I want each witness when they come up here to talk up so we can hear them.

JOSEPH FRANCIS GALLAGHER

was thereupon called as a witness for and on behalf of the National Labor Relations Board, and, having been duly sworn, testified as follows:

Direct Examination

BY MR. LAUTER:

Q. What is your full name, Mr. Gallagher?

A. Joseph Francis Gallagher.

Q. Where do you reside?

A. 162 Elm Street, Struthers, Ohio.

Q. Have you ever worked for the Republic Steel Corporation?

A. I have.

Q. Have you worked at the Youngstown plant?

A. Yes.

Q. When did you start working for them?

A. I started working for them either June or July or August of 1933.

MR. SMITH: I did not get the year.

TRIAL EXAMINER LINDSAY: July or August, 1933.

BY MR. LAUTER:

Q. When did you say you began working for the Republic Steel Corporation?

A. July or August of the year 1933.

Q. How long did you work for them?

A. A period of—I worked for them until January 6th, 1937.

Q. What kind of work did you do for Republic Steel Corporation?

A. I was employed as electrician, electric work.

Q. In what department was that?

A. I beg your pardon?

Q. I say, in what department were you working as an electrician?

A. The electric department, which I was employed by the electric department, but I was working in the electric weld, too—of the Republic Iron & Steel department.

Q. Are you a member of the C. I. O.?

A. I am.

Q. When did you join?

A. I joined the C. I. O. in the latter part of July of 1936, or the early part of August of 1936.

Q. Will you describe the circumstances surrounding your cessation of work for the Republic Steel Corporation on January 6, 1937?

A. On January 6, 1937, I was working from eleven to seven. My regular work was, when I went out on the job, to make my rounds, and inspect my work, and if everything was O. K., why, it was my duty—was to answer the whistle, in case of trouble, why, they wanted me to blow the whistle for me,—everything was all right after I would make my rounds, and there was a shanty, a control booth there, that I always sat in under, in cold weather. And I went in there and sat down for a while, and then I came out and got my lunch, and I went back in and sat down, and I was in there about 15 or 20 minutes, the second time I had returned to the shanty, and the whistle blowed. And my call was fifth on the mill. I went out the door—

Q. You say your call was fifth,—what do you mean?

A. Five whistle calls.

Q. I see.

A. They blowed the whistle five blasts, in order to engage the electrician in case of trouble to the mill.

Q. Yes.

A. When the whistle started to blow five, I left the shanty immediately, and would have been at the whistle before the whistle had stopped blowing, if it had not been for the police, and also the superintendent of the electric department there, to stop me, and ask me where I was going.

Q. You say police; are you referring to the plant police of the Republic Steel Corporation?

A. I refer to the plant police, yes.

Q. Go ahead.

A. And the superintendent says; "Joe, I had Mr. Walker blow that whistle for you."

Q. Who is Mr. Walker?

A. Mr. Walker is the superintendent of the electric weld tube mill, and I don't believe the man ever blowed the whistle in the five years or four years I was there.

MR. DAY: I move that the last be stricken out.

BY MR. LAUTER:

Q. Did you ever see —

MR. DAY: Wait a moment.

MR. LAUTER: All right.

TRIAL EXAMINER LINDSAY: Yes, that last is stricken.

BY MR. LAUTER:

Q. Did you ever see Mr. Walker blow the whistle when you were there?

A. No.

Q. Go ahead.

A. I never saw Mr. Walker blow—and my superintendent, Mr. Graff, says to me: "Joe, I had Mr. Walker blow that whistle for you." I says, "What is it for Johnny?" and he says: "Well, you have been sleeping in there; you can go ahead home until I send for you." I says: "Well, you have got to give me a better answer than that, Johnny, before I ever accept it."

He says: "What other answer do you want?" I said: "I either want my money or I want a definite answer one way or the other."

He says: "Well, Joe, I know you couldn't have been sleeping for you answered the whistle too soon, but," he says, "If I was you, I would go ahead on home."

I said: "No, I won't go home until I get a definite answer; it is either getting my time or telling me when to come back out, or something like that. This thing of sending a man home until you send for him," I says, "it don't go with me; it might go with someone else."

So Johnny and I discussed the problem for 15 or 20 minutes.

MR. DAY: Let me have Johnny's last name.

THE WITNESS: Johnny Graff.

MR. DAY: Is he your superintendent, did you say?

THE WITNESS: He is the superintendent of the electric department.

MR. DAY: All right.

(Answer resumed) We discussed it for 15 or 20 minutes, and I decided to go ahead home and come out and see him in the morning.

And when I returned to see him in the morning, the police would not let me in to see Mr. Graff in the morning. So I never got the opportunity to see Mr. Graff from that time until—until my pay expired, until pay day.

So I went to the employment—to the main office for my money, and instead of receiving my money at the employment office I received a slip,—instead of receiving my money at the paymaster's, I received a slip to the employment office.

I went to the employment office, and the employment office referred me back to Graff for an O. K. on—before I could get my money.

So I surmised that the O. K. was in question in case I had some tools checked out, and so forth, and so on, like that. So I went down and saw Graff, and he O. K.'d my slip, and I went up and got my money, and they haven't sent for me yet.

BY MR. LAUTER:

Q. When you left the mill, how did you go out, did you go out the mill door?

A. Whenever I went out to leave the mill, they sent two officers with me. Sergeant Fitzgerald was one of the officers that was there. He sent these officers over to me while I changed clothes, and then I came back to ring my

card,—my card out, the officers came with me, and instead of letting me—the way I always went out of the mill—down through the mill and out,—instead of letting me walk down through the mill and out, the officers took me out the side door, down through the alley, and put me in their car, and took me off the company premises.

Q. You mentioned before that you have joined the C. I. O.?

A. I have.

Q. That was some time back in July or August of 1936?

A. Right.

Q. Were you active in the C. I. O. after you joined it?

A. Yes.

Q. What was the nature of your activities?

A. The nature of my activities was attending meetings. That was the only active part I had taken in the organization.

Q. What else did you do?

A. When they called a meeting I attended the meeting.

Q. Were you one of the first members to join the C. I. O.?

A. I was either one of the first five, or the first seven; I wouldn't say which, in the Youngstown territory.

Q. Where were the meetings held in the C. I. O.?

A. The meetings at that time were held, as a rule, in Truck Drivers' Hall, on East Federal Street, over the A. & P. Store.

Q. Did you attend those meetings?

A. I attended all of those meetings that I possibly could. If there was a meeting held when I was off duty, at work, I attended the meeting.

Q. Were there many people at those meetings at the beginning?

A. Well, when we started out, four or five, maybe.

That is the way they started out, around August or September; but the meetings kept gradually going up, and building up, until the Truck Drivers' Hall was not large enough to take care of them.

Then we—we engaged a Roumanian Hall, on Poland Avenue.

Q. Have you ever been followed to any of those meetings?

A. I have been followed to the meetings and followed away from them. I couldn't say followed to the meetings, but I have been followed away from the meetings but I—

Q. Describe just what you mean when you say you were followed.

A. Well, whenever there was a meeting scheduled, or anything like that, as a rule there would be some of the Republic officers placed right around the meeting hall.

Q. When you say Republic officers, do you mean officials of the company, or mill police?

A. Mill police.

Q. Do you know who they were?

A. I know them all to see them, practically come in and out the gates at different times and around the plant.

One of them in particular was Snyder; as a rule he was always on that—on that kind of work. It seems as though he was assigned permanent to that kind of work.

Q. Did he follow you often?

A. Yes, he followed me considerable times, just the number of times I couldn't say offhand.

Q. Did he follow you in his mill policeman's uniform?

A. No.

Q. Or in plain clothes?

A. Plain clothes.

Q. When was the first time that you noticed him following you?

A. The first time—

Q. If you noticed anything?

A. I couldn't tell you; I can't give you the date, or anything.

Q. No, tell me the first time that you can remember.

A. Well, the first time Snyder actually followed me was after I became an organizer for the S. W. O. C. When I left the Terminal Building,—he followed Burke down through Poland Avenue, and up through Pine Hall, and up through—

Q. Just one second. When did you become a paid organizer for the S. W. O. C.?

A. I became a paid organizer for the S. W. O. C. on February 1, 1937.

Q. Who is Burke that you just referred to? Who is he?

A. Burke was a paid organizer on the staff.

Q. You say you were followed from the Terminal Building; where is that?

A. The S. W. O. C. Headquarters was located in the Terminal Building.

Q. Where was the first day that you were followed?

A. February 1, 1937.

Q. That was when you became an organizer?

A. That's when I became an organizer.

Q. Who were you followed by?

A. Followed by Snyder.

Q. He was the mill policeman that you referred to before?

A. Yes.

Q. He was in plain clothes when he followed you?

A. Yes.

Q. Go ahead.

A. Whenever we started out to make private, individual contacts, why, there would be one of those mill police cars right in back of us, as a rule, and especially Mr.

Snyder's car. As a rule, he seemed to be the man that was stationed up here, and notified the rest of them elsewhere what direction we were in, or what part of town we were going to work in.

Q. Where did they follow you?

A. Well, they followed me—anywhere in town that we would go they would follow me. If I left the house at eight o'clock, and got into the Terminal Building at nine o'clock, why, they would be with me until ten or eleven o'clock that night, or whatever time I would return, as a rule.

Q. Where would you go in connection with your organizing activities? Where would you be going?

A. I would be going out to make some individual contacts, persons I knew in the mill who would be interested in organized labor, I would go out to see them.

Q. As far as you know, Mr. Gallagher, would that interfere with your making contacts?

A. Yes.

Q. Who else followed you?

A. Mr. Parker.

Q. Who is he?

A. He was one of the Republic spies.

Q. Well, now—

A. Or officers, police, whatever you want to call them, whether we call them spies or not.

Q. When they followed you, did they follow you together, Burke and Snyder, or alone?

A. Well, as a rule—no, I couldn't say I ever saw the two of them together, but as a rule there was always three or four in the car. I never paid much attention to those gentlemen, just who they were. In fact, I wasn't very much interested in them, as far as I was concerned it didn't seem to bother me.

Q. Do you know the license number of the car that was following you?

A. Yes.

Q. What was the license number?

A. H-763-V was the car that done most of the following in 1937.

Q. Did you take down the license number of the car following you?

A. Yes, I did.

Q. Did you write in—

A. I wrote into Columbus to see who the license to that car—to be sure whether the license number of that car was issued to Parker or probably issued to Snyder, or who it was issued to, and that is what I received back.

(The document referred to was thereupon marked for identification as Board's Exhibit No. 54.)

BY MR. LAUTER:

Q. Handing you Board's Exhibit No. 54 for identification I ask you whether or not this is the reply to the inquiry which you made concerning who owned H-763-V?

A. I do, yes.

Q. That is the reply you got?

A. That is the reply I received.

MR. LAUTER: I offer that in evidence as Board's Exhibit No. 54.

TRIAL EXAMINER LINDSAY: That is received.

MR. DAY: I don't suppose it would be properly admissible according to rules of evidence, but we do not object to it now.

TRIAL EXAMINER LINDSAY: What is it?

MR. DAY: Just a letter.

TRIAL EXAMINER LINDSAY: Then you at this time have no objections?

MR. DAY: No, because I think the records undoubtedly would show just what that letter shows, so we do not object to it.

TRIAL EXAMINER LINDSAY: All right, Board's Exhibit 54 is received in evidence.

(The document previously marked for identification as Board's Exhibit 54 was received in evidence.)

BY MR. LAUTER:

Q. Do you recall a meeting held in truck drivers' hall sometime in December, 1936?

A. I do.

Q. Did you attend that meeting?

A. I did.

Q. Were you followed when you went to that meeting?

A. I beg your pardon?

Q. Were you followed when you went to that meeting? Were you followed?

A. We were not followed at that meeting, but when we arrived to attend the meeting, there was a car load of company officers, Republic policemen there, especially Snyder. Snyder is the one I identified there at the time. Whenever Burke and I went to go up into the hall the four of them was sitting there in the car.

Q. Did you have any conversation with them?

A. I had no conversation at all, but Mr. Burke—I heard Mr. Burke having a conversation with them, he says "You better get going, rats," and the reply from them was "We are here to stay if we have to shoot our way through it. You'se better get going."

Q. Have you ever spoken to Mr. Parker on any occasion?

A. No, never spoken to Mr. Parker.

Q. Have you seen him at the mill?

A. I have seen him at the mill any number of times.

Q. In police uniform?

A. Police uniform.

Q. Mr. Snyder also?

A. With police badge on.

Q. Is that true of Snyder also?

A. Also.

Q. Did you speak to Parker at any time since you went to this meeting in December?

A. No, I never spoke to any of the officers.

MR. LAUTER: That is all.

Cross Examination

BY MR. DAY:

Q. Mr. Gallagher, when did you first start as organizer for the CIO?

A. February 6, 1937.

Q. That is after you quit the Republic?

A. I was fired from Republic January 6, 1937, and I started to organize for the SWOC on the 1st of February, 1937.

Q. You have been an organizer ever since?

A. I have been an organizer ever since.

Q. You are an organizer now?

A. I am an organizer now.

Q. And have you any office or place of business or headquarters or anything of that kind?

A. I am located in Room 302, Terminal Building.

Q. Here in Youngstown?

A. Here in Youngstown.

Q. And how many CIO organizers are there here now?

A. Right now there is—

MR. LAUTER: Just one second, I object to that question. I don't see as it is material to the issues in this case.

TRIAL EXAMINER LINDSAY: Yes, that objection is sustained.

MR. DAY: Exception.

TRIAL EXAMINER LINDSAY: Let the record

show an exception.

BY MR. DAY:

Q. When did you start work for CIO?

A. I started work for CIO on the 1st of February, 1937.

Q. When did you join the CIO?

A. I joined the CIO July or August, 1936.

Q. And you were one of the first members of the CIO?

A. I was one of the first five or six or seven members—either the fifth or seventh member of the CIO in the Youngstown area.

Q. From August, 1936, until January, 1937, were you active worker for the CIO?

A. Active worker?

Q. Yes.

A. Not no worker, I attended the meetings and so forth.

Q. Were you trying to get members?

A. Absolutely not. I wasn't out soliciting members or anything.

Q. Was it generally known, after July, 1936, that you belonged to the CIO?

A. Why certainly it was, through the mill, yes.

Q. And you stayed working for the Republic until January?

A. I stayed working for the Republic Iron & Steel until January 6.

Q. What department did you work in?

A. I worked in the electric department of the electric weld tube.

Q. What plant is that?

A. That is the Lansingville plant, commonly known in this district as the Lansingville plant.

Q. How do you spell that?

A. L-a-n-v-s- —

MR. DAY: I am not trying—

TRIAL EXAMINER LINDSAY: You know how to spell it.

MR. DAY: No, I don't. Frankly, this is the first time I have heard of it, that is the reason I asked him to spell it.

THE WITNESS: Well, it is commonly known as the Lansingville plant or the Hazelton plant, either one.

Q. When did you start to have meetings in these halls, first the truck drivers' hall, meetings?

A. Offhand I couldn't just tell you when the first meeting was, a couple of months after July or August.

Q. That would make it about September or October, 1936?

A. November, something like that.

Q. How often would you say those meetings in truck drivers' hall were held?

A. As a rule they were one a week.

Q. How largely were they attended?

A. Well, in the beginning they wasn't very well attended, five or six, maybe ten or twelve, all depends. Sometimes we had more members than others, on the right turn, the day turn off duty, they had a better turn-out.

Q. How many did finally come to the meetings, in the truck drivers' hall?

A. Well, eventually it grew to the hall wasn't capable of handling.

Q. How many could the hall handle?

A. I would estimate 300 or 400.

Q. Then you moved down to Roumanian Hall?

A. Down to Roumanian Hall, right.

Q. How large meetings did you have there?

A. Well, the hall would not handle those either, the hall wasn't large enough to handle the meetings there.

Q. About how many hundred did you have there?

A. Well, we had seven or eight or a thousand, as many as the hall could hold, and then packed outside on the sidewalk.

Q. This talk that you had January 6th, 1937, was with your superintendent, Johnny Graft?

A. Right.

Q. Where did the talk take place?

A. Right in front of the control pulpit, where I was underneath, when I come out.

Q. About what time of the day was it?

A. It happened to be in the morning—about one—quarter after one, quarter to one that took place, about ten to one.

Q. Was there a flood threatened, or a flood condition in the plant at that time?

A. There was, two nights before, either January 4th or January 5th.

Q. What was the extent of the flood, or the danger of the flood?

A. The danger of the flood in our department?

Q. Yes.

A. Was no danger at all.

Q. Well, what was the danger of the flood to the plant generally?

A. The danger to the plant generally, why it was dangerous, it would shut it down, it was in danger of shutting the plant down.

Q. Was there a flood?

A. There was a flood on the fourth and fifth, yes.

Q. Of what?

A. Of January.

Q. And what body of water flooded? Where did the water come from?

A. From the sky.

Q. Was it rain?

A. Yes, wasn't anything else outside of rain.

Q. Well, it wasn't a river condition or anything of that kind? It was a flood condition due to the rain, is that right?

A. Right.

Q. Now, wasn't the Mahoning River at that time up to such a height that it was expected to flood its banks?

MR. LAUTER: May I object to that question? Outside of the scope of cross examination.

MR. DAY: It might be outside of the scope; that is a condition that existed at the time he left.

TRIAL EXAMINER LINDSAY: I will overrule your objection. Let the record show an exception.

BY MR. DAY:

Q. Well, were you warned about not being on the job, on the 5th of January, by your foreman or boss?

A. Absolutely not. I was never warned about not being on the job. I never had a complaint from one of my foremen.

Q. You were not warned by your foremen or boss about not being on the job, the night of January 5th?

A. The night of January 5th I stood there and talked to Mr. Graft and Eddie Baer, which is the assistant chief electrician there—Johnny Graft's assistant—Eddie is his assistant—I stood there and talked to both of them down there and Johnny says to me: "Joe," he says, "I would like to see you be on your toes tonight," he says, "we are kind of expecting water." I says, "Johnny, I will be on"—

Q. What night was that?

A. The night of the 5th.

Q. What time of the night of the 5th was this you had the talk?

A. I would judge two o'clock in the morning.

Q. You talked to Johnny Graft at home?

A. Johnny Graft and Ed. Baer.

Q. Anyone else there?

A. No, no one else there.

Q. Well, the danger of the flood was in connection with the Mahoning River, wasn't it?

A. There was no danger in connection with our department, of flood.

Q. Well, I mean the plant generally?

A. The plant generally—I am not speaking for the plant in general, I know the plant in general, but I am not speaking for it.

Q. Where is the plant located, in connection with the Mahoning River?

A. It is along the river banks.

Q. Right up to the bank?

A. The department I am in—that I was employed in was 500 feet or 1000 feet away from the banks.

Q. How near was the nearest part of the Republic plant to the Mahoning River?

A. Well, their property runs right to the river bank.

Q. Right to the river bank?

A. Right.

Q. These men that followed you, you say that didn't bother you very much?

A. I never spoke to any of them. The other boys used to have trouble with them, that is, antagonize them, calling them rats and so forth, like that; but personally, myself, I never let on that I saw them.

Q. You never had any contact with them?

A. No, sir, never had any contact—no arguments with them whatever.

Q. What was the work you did in the plant?

A. Electric work.

Q. Just what kind of electric work?

A. Maintenance work, to answer whistles, in case of break-down or anything like that, why, I was to get out and get it going, to operating.

Q. That is, they sounded a whistle?

A. They sounded a whistle, I was to answer.

Q. You were to answer?

A. My whistle was five.

Q. If anything was broken down in the plant, that needed repair, you were there to fix it up?

A. That is right.

Q. Is it or is it not a fact that you were discharged by the Republic because you went into the shanty at the time and went to sleep?

A. It is not a fact.

MR. DAY: That is all.

THE WITNESS: That is a lie.

MR. DAY: That is all.

THE WITNESS: A bare-faced lie.

MR. LAUTER: That is all.

THE WITNESS: I stayed in the shanty for ever since it was built, when there is nothing to be done, no work to be done, I sit in that shanty. That shanty had been there for three years and I—there was never a word said.

TRIAL EXAMINER LINDSAY: That is all.

(Witness excused.)

CHARLES BERNARD FAGAN

a witness called by and on behalf of the National Labor Relations Board, and, having been first duly sworn, testified as follows:

Direct Examination

Q. (By Mr. Lauter) What is your full name?

A. Charles Bernard Fagan.

Q. Where do you live?

A. 1807½ Point View Avenue.

Q. Have you been employed by the Republic?

A. Yes, sir.

Q. Where did you work?

A. I worked in the foundry.

Q. What plant?

A. Lansingville Plant, Youngstown.

Q. When did you start working there?

A. I started working in Republic in 1928.

Q. Have you worked continuously since then?

A. I worked from 1928 continuously until the 13th day of March, 1937.

Q. What was your wage on the 13th day of March, 12th day of March, 1937, do you recall?

A. I was making 84½ cents an hour, I think.

Q. How many days a week did you work?

A. Six days a week.

Q. Did you get time and a half for overtime?

A. No, sir.

Q. That is, above 48 hours?

A. No, sir, not at that time. Just straight time. That was before they got them arrangements.

Q. What kind of work did you do in the foundry?

A. I started work first as helper in the foundry, finally I got up until I was second-class molder. On the 12th of March I was second-class molder for Republic Steel.

Q. Are you a member of the C. I. O.?

A. Yes, sir.

Q. When did you join?

A. I joined the C. I. O. the 1st of November, 1936.

Q. Have you been active in C. I. O.?

A. Yes, sir.

Q. What do your activities consist of?

A. Well, in November and December we were kind of scared to go along and let anybody know we were in the C. I. O., but gradually as we thought the time was right for organization labor in Youngstown, I started out with Organizers Burke and Gallagher generally.

Q. You say you worked with Gallagher?

A. Burke and Gallagher, both organizers.

Q. For S. W. O. C.?

A. Yes, sir.

Q. Go ahead.

A. I was with Burke lots of times, I worked with Gallagher lots of times, right up until the day the strike was called. I was in contact with them all the time.

Q. You say you worked until March 13th?

A. Worked until March 13th.

Q. Have you held any office in the S. W. O. C.?

A. I was a member of the Grievance Committee, elected March 12th. Right now, Financial Secretary of the Local.

Q. When were you elected Financial Secretary of the Local?

A. I was elected Financial Secretary the 17th day of May. The 15th or 17th day of May.

Q. That was one of the lodges?

A. 1331—Republic Lodge 1331.

Q. Is that the lodge in this area, Youngstown District?

A. Yes, sir.

Q. You say you worked until March 13th, what happened March 13th?

A. March 13th was my day off, I was giving a little birthday party for my boy, one of the fellow workers came up and said, "Did you hear the bad news?" I thought somebody dropped dead, I said, "No, what is it?" He says, "They have closed the foundry," he says, "You are fired."

Q. What else happened?

A. Well, that kind of put the bug on the party, didn't make me feel very good.

Q. What did you do after that? After you heard the foundry had been closed.

A. Well, on Monday morning I went down to see Mr. McCoy.

Q. When was that?

A. That was the 15th of March.

Q. 15th of March? Yes?

A. I went down to see Mr. McCoy, we asked him—I was nine years in the place, I thought instead of getting a discharge slip right away I should have been given some consideration, got a job somewhere else in the plant.

Q. Who was Mr. McCoy?

A. Mr. McCoy is the District Manager of the Youngstown District.

Q. McCoy?

A. McCoy.

Q. What is his position?

A. He is Management Representative or something in the Youngstown District, I don't exactly know the title.

Q. Management Representative, under Employees Representative Plan?

A. No, sir, I don't know what his position, he is in the office. I went up to talk to him.

Q. Is he active in connection with employment relations at the plant?

A. Yes, sir.

Q. Go ahead, what happened there?

A. I went up to see Mr. McCoy. He asked me what else I could do besides molder, so I told him I could run a crane. So he told us to come back in a couple of days, he would look around meantime to see if he could place us some place. So I went down, went down to look for a job at Columbiana, all over the country, trying to get a job all over this part of the state, finally I got into town again, I went into Republic Steel, thought I would go down to get my tools.

Q. You say "we", whom do you mean by "we"?

A. There was four or five of us.

Q. Who was the others?

A. Thomas Waite, Jimmy Waite, Mike Baker.

Q. Who is Thomas Waite?

A. President of local 1331.

Q. When was he elected president?

A. The 12th of March.

Q. That was the day before the foundry shut down?

A. Yes, sir.

Q. You were elected member of the grievance committee?

A. I was elected member of the grievance committee the same night.

Q. That was also the day before the foundry shut down?

A. Yes, sir.

Q. Both you and he were in the foundry?

A. Yes.

Q. Go ahead.

A. The next day we went down to get our tools, we just got down the steps, the policeman came down and said, "What are you doing?" I says, "I am going down to get my tools." So he asked me my name, he asked the other fellows their names too, and he checked off that list he had there, he says, "O. K., you can go across." So two policemen escorted us over there right to where the boss was and on the way Mr. Sponsler, the assistant, says "You cannot get through, out there." Said we wanted a discharge slip. We said, "We don't want a discharge slip, we figure we don't get our money until pay day." Taking a job some place in the plant. I says, "That don't mean a thing." He says, "If you don't take that, you will have to be rehired, to get a job."

Q. You mean rehired as a new man?

A. Yes, sir.

Q. Go ahead.

A. We took the slips then, nothing else to do, couldn't

refuse them after that, whether to see Mr. Black, got our tools. I got my tools, came back out of there. I came up the steps.

Q. Who is Mr. Black?

A. Mr. Black was foreman of the foundry.

Q. Did you have any conversation with him?

A. No, sir, I just asked him what it was all about. He says I knew as much as he knew, so I come out of there, I went down to see Mr. McCoy on Wednesday the 13th of March and he told me, he says, "Well," he said he would try to get me a job. Well, in the meantime, I was around looking for a job, finally I went back to see Mr. McCoy two or three weeks after, and he gave me a job in the labor gang.

Q. Well, tell me about your work in the labor gang.

A. I worked in the labor gang, the first week I worked pretty good, then the second or third week they sent me down to the coke works.

Q. Is the pay the same in the labor gang as in the foundry?

A. No, sir, it was only $5 a day. They got a 10 per cent increase on the 16th day of March. The pay was only $5 when I went into the labor gang.

Q. Is that less than you got in the foundry?

A. Yes, sir.

Q. Go ahead.

A. I started on the labor gang, worked in the labor gang, then they sent me down to the coke works. I worked in the coke works for a week, that was, and Mr. Manley came down one day, I asked for a better job.

Q. Who was Mr. Manley?

A. Master mechanic there in the mechanical end.

Q. Yes.

A. I asked Mr. Manley for a better job. He said he didn't have anything for me. Even the crane men were getting higher than the five, during this time I was in the

labor gang. Well, I asked him for a job, he said he couldn't do nothing for me, so he went up—I was working with a lead special, when Manley went up about an hour after this boss, labor gang foreman of the coke works, he came up to me and he said, "Are you 8870?" I said, "Yes." He said, "Is your name Charles Fagan?" I says, "Yes." He said, "That is all I want to know." I says, "What about it?" He says, "That is all." So a couple of days after I went down in the coke works and he told me he didn't need me. So I went in the labor gang again, Mr. Sewickley, he only asked from then on—I only got one, sometimes two days a week.

Q. You mentioned something about crane man's job before. Did you ever apply for a job of that kind?

A. Yes, I seen Mr. Grant.

Q. Who is Mr. Grant?

A. Mr. Grant is the lead special superintendent.

Q. And tell what happened?

A. I went down to see Mr. Grant. I told him I had nine years' service in the foundry. He told me, he said, "They aren't hiring anybody at the time, only some old fellows that had been there for twenty years were hired there as boys," I says, "Don't you think I should get a job here too?" "I have been here nine years." He told me to go to see Ed. Baer. Ed. Baer told me, he says, "Why, why did he send you to me? Why didn't he hire you?" That is the same experience I had with those men, I went back two or three times, it was always the same, no work for me.

Q. How long did you work for Republic?

A. From 1928 until 1937.

Q. And were you entitled to vacation?

A. Yes, sir.

Q. Did you get a vacation?

A. I was only working one day a week in the labor gang, I looked the vacation slips up, my name wasn't on

it, so then I went in to see Mr. Sewickley, he said he would see what he could do about it, so I went in to see him, and he told me to wait a few days, so then I went on up to see, to get my check, when I was supposed to take my vacation on the 24th of May, 23rd or 24th day of May, I went on wanting to take my vacation and went over to the window, to get my check, the guy says, "There ain't no check for you." He said, "There is none here." He says, "You better go to see Mr. McCoy." Then I went up and seen Mr. McCoy. Mr. McCoy told me he looked it up and he said I was entitled to a vacation. He asked me about my record, he said my record was as clear as an old maid's kiss, that is the words he used, so I got my vacation two days before the strike.

Q. Now, have you earned anything since you stopped working on the labor gang? Have you earned anything?

A. No, sir.

Q. But you want your job back at Republic?

A. Yes, sir.

Q. Did you know Mr. Gallagher?

A. Yes, sir.

Q. Who is he?

A. He is a paid organizer for the SWOC.

Q. Have you ever gone around organizing with him?

A. Yes, sir.

Q. Have you ever been followed when you were organizing?

A. Yes, sir.

Q. Do you know who followed?

A. I was followed by Parker.

Q. Who is Parker?

A. Parker is a Republic policeman.

Q. How do you know?

A. I seen him down there.

Q. You have seen him in uniform?

A. Yes, sir.

Q. Describe his actions when you were followed.

A. One night I was pretty active after January and February, I was pretty active, I used to go out every night, and invariably you turn around and there they were.

Q. You say "there they were". Who was there?

A. The guys following us, Republic policemen.

Q. Do you recall whether or not they were accompanied by anybody else?

A. Well, there was usually three or four of them in the car, never any less than two of them.

Q. Do you recall any particular occasion on which you were followed?

A. Yes, I was at the meeting in Roumanian Hall one night, we come out of the Roumanian Hall and Joe Gallagher and I and this Lookabaugh got in the car, we turned around ready to go home when I noticed this car following us, so we stopped and they stopped right behind us, so I says to Joe, "There is a corner up there, we will stop on the corner and they will have to stop or go in front of us, then we will know they are following us." So we stopped on the corner, and they parked ahead of us. I said to the other men, "They are following us." They followed us all around town, up to Brownley Woods, we went in a beer garden there and had a glass of beer, we went in there and stayed and when we came out they were gone.

Q. Were you ever followed by car H-763-V?

A. That was the car following.

Q. On the occasion you just told us about?

A. Yes, sir, there is an old Nash used to follow us, but I don't know the number of it, never bothered.

Q. Do you know who was in the car?

A. No, I just know that it was Republic police.

Q. How did you know?

A. Well, I have seen him in the mill.

Q. You have seen him in the mill in uniform?

A. Yes, sir.

Q. Followed you in an old Nash?

A. Yes, sir.

MR. LAUTER: That's all.

Cross Examination

BY MR. DAY:

Q. When did you join CIO?

A. I joined CIO in November, 1936.

Q. When did you start work for CIO?

A. I started work for CIO in January or February. I didn't start work for them, I wasn't a trade organizer. I started to help them.

Q. In January and February, 1937?

A. Yes, sir.

Q. And when was it that you were followed?

A. I was followed every night I went out with Burke or Gallagher, I was followed.

Q. During what time?

A. Between January and February, all the time from the middle of January right through February.

Q. In 1937?

A. Yes, sir.

Q. You started to work at the Republic in 1928?

A. Yes, sir.

Q. As a molder?

A. Yes, sir—No, sir, as a helper.

Q. Well, then you did work as a moulder later, didn't you?

A. Yes, sir.

Q. In the foundry there?

A. Yes, sir.

Q. And about how many men were employed in the foundry?

A. 12 men.

Q. And you from March 5, 1928, up until March 13, 1937?

A. Yes, sir.

Q. Did you work in the foundry all the time?

A. Yes, sir.

Q. Then the foundry was closed down, was it not?

A. Yes, sir.

Q. And has been closed down ever since?

A. Yes, sir.

Q. And were all the other men in there laid off at the same time you were?

A. Yes, sir.

Q. About 14 men?

A. There was 14 men laid off. The rest of the molders got their job back a week after, different jobs.

Q. Different jobs?

A. Yes.

Q. When you were laid off, when they closed the foundry down last March, were you told or asked to go to the employment office to ask for other work?

A. I went up and seen Mr. McCoy and he told me to come back.

Q. How soon after the foundry closed down and you were laid off, did you talk to McCoy?

A. I talked to him two days after the foundry was closed down.

Q. Then did you get back, get other work?

A. Yes, sir.

Q. And what other work did you start out at?

A. I started out in the labor gang.

Q. If you were laid off when the foundry closed down on the 13th of last March, when was it you started work on the labor gang?

A. I just don't remember the date, a week or couple weeks later.

Q. How long did you work in the labor gang?

A. I worked in the labor gang up until two days before the strike was called, I worked temporarily, one day a week or two days a week.

Q. But you were working for Republic up until a couple of days before the strike was called?

A. Well, I still considered myself an employee of the Republic Steel.

Q. But you were working there?

A. I was working there, yes.

Q. And up until about the time or a couple of days before the strike was called?

A. Yes, I took my vacation two days before the strike was called.

Q. When was it that you started to work as a paid organizer for the CIO?

A. I never was a paid organizer for CIO.

Q. You are not now?

A. No, sir.

Q. Nor these other men that were laid off with you, did they apply for other jobs too?

TRIAL EXAMINER LINDSAY: I don't think, Mr. Day, you should go into that.

MR. DAY: All right, I do not think it is important. Well, I think it might be important as they are tending to show no discrimination in the case of this particular man. This man is named in the complaint.

TRIAL EXAMINER LINDSAY: Well, I know that, but as a matter of fact, you can bring those men in yourself, to show what they did.

MR. DAY: Well, even if that is so—

TRIAL EXAMINER LINDSAY: Well, my ruling is that you are not to go into that, so just proceed.

MR. DAY: Well, then just let me note an exception, to save the record.

TRIAL EXAMINER LINDSAY: Yes, you may have an exception.

MR. DAY: Note an exception to the sustaining of the objection to the question, whether others that were laid off at the same time he was, that was permitted, whether the others applied for work. I guess that is all.

(The record was read to the Examiner.)

Redirect Examination

BY MR. LAUTER:

Q. You worked in the foundry, is that right?

A. Yes, sir.

Q. How many worked in the foundry?

A. 14.

Q. How many were members of the CIO?

A. 12.

Q. How long had that foundry been going?

A. That foundry has been going, the boss says the foundry has been going for 20 to 30 years.

MR. LAUTER: That's all.

MR. DAY: That's all.

TRIAL EXAMINER LINDSAY: We may have a ten minute recess. (Recess had.)

TRIAL EXAMINER LINDSAY: The hearing is called to order.

MR. HOSKINS: Call Mr. Thomas White.

THOMAS WHITE

a witness called by and on behalf of the National Labor Relations Board, and, having been first duly sworn, testified as follows:

Direct Examination

BY MR. HOSKINS:

Q. Will you state your full name, Mr. White?

A. Thomas White.

Q. Where do you live?

A. 1939 Point View Avenue.

Q. Will you talk just as loud as you can and as slowly as you can, so that everybody may hear you?

A. Yes, sir.

Q. Is that in Youngstown?

A. That is in Youngstown.

Q. Have you ever worked for the Republic Steel Corporation?

A. Yes, sir, I have.

Q. When did you first start to work for them?

A. About 1930.

Q. About 1930?

A. Yes.

Q. What was your first job there, Mr. White?

A. My first job there was in the electric work building, in a building in the electric weld, I had to construct most of the machinery in the electric weld.

Q. You helped to construct most of the machines in the electric weld?

A. Yes, sir.

Q. How long were you in that work?

A. Between nine months and one year, personally.

Q. Between nine months and one year?

A. Yes, sir.

Q. Then what was your next job?

A. I was transferred then to the foundry.

Q. You were transferred to the foundry?

A. Yes, sir.

Q. What was your job in the foundry?

A. I was a molder.

Q. A molder?

A. Yes, sir.

Q. What class molder?

A. I was a first-class molder.

Q. You were a first-class molder?

A. Yes, sir.

Q. Do you belong to the C. I. O.?

A. I do.

Q. When did you join the C. I. O.?

A. I joined it the 3rd of November.

Q. Is that—

A. 1936.

Q. That is 1936?

A. Yes, sir.

Q. Were you an active member after you joined it?

A. I certainly was.

Q. Describe what you mean by active.

A. I went from house to house signing up men who were employed in the Republic; I went from house to house signing these men into the C. I. O.

Q. Have you ever held any office in the local lodges of the C. I. O.?

A. Yes, sir, I am President.

Q. You are President of what lodge?

A. 1331 Republic Lodge.

Q. When were you elected President?

A. I was elected President on the 12th of March.

Q. The 12th of March of 1937?

A. Yes, sir.

Q. On the 12th of March, 1937, were you working in the foundry?

A. I certainly was.

Q. How many men worked in the foundry at that time?

A. There was 14 men in the foundry at that time.

Q. How many of those men were C. I. O. members?

A. There was 12 men that was C. I. O. members of the 14.

Q. 12 of the 14 men in the foundry were C. I. O. members?

A. Yes.

Q. What was your rate of pay on March 12?

A. Ninety-two and a half cents an hour.

Q. Ninety-two and a half cents an hour?

A. Ninety-two and a half cents an hour.

Q. How many hours a week were you working?

A. Forty-eight hours.

Q. Forty-eight hours a week?

A. Yes.

Q. Were you being paid extra for extra time?

A. I was not.

Q. Do you remember March 13, 1937?

A. Distinctly.

Q. What took place on that date, Mr. White?

A. On March 13 I was working from 10 o'clock to 6:30. It was my regular turn, No. 5. About three o'clock we had the molds almost ready for pouring when Mr. Manley—

Q. Who is Mr. Manley?

A. Mr. Manley,—he is master mechanic of the mechanical end. He came over there at three o'clock and told us: "Boys, I have bad news for you. Our foundry is being closed down for good."

I then asked him what it was all about. He told me that he had got his orders, and that he had to carry them out.

Q. Now, you say that Mr. Manley is master mechanic; was he in direct charge of your work?

A. Yes, sir, he was over the mechanical end.

Q. He was over the mechanical end?

A. Yes, and the foundry was under that.

Q. As I understand, you stated that he stated all he knew was that he had his orders from up above, and was carrying them out?

A. Yes, that's right.

Q. To your knowledge, a man who is in direct charge of work, that is at the Republic Steel Corporation, if work was being closed out, would he know the reasons for it?

MR. DAY: Oh, I object to that. I object—

MR. HOSKINS: Very well, I will consent to withdraw it.

TRIAL EXAMINER LINDSAY: Yes, the objection is sustained.

BY MR. HOSKINS:

Q. Was Mr. Manley actively engaged in supervising your department?

A. Yes, sir.

Q. Now, you made another statement there that you had the molds all ready, or something like that?

A That is right.

Q. How long had it taken you to get those molds ready?

A. It had taken us from 10 o'clock until 2:30.

Q. From 10 o'clock in the morning until 2:30 o'clock in the afternoon?

A. Yes, sir.

Q. How many men had worked on those?

A. Six men had worked on these molds.

Q. What would have been the next operation with reference to these molds?

A. The next operation would have been to have closed these molds up, and then cast them.

Q. How long would that have taken?

A. That would have taken us from then until around six o'clock.

Q. Did you cast the molds that afternoon?

A. No, we did not. We were told to knock the molds out, and never mind casting them at all, that we were through.

Q. This was about three o'clock, I believe, you said, when Mr. Manley came in?

A. Yes, sir.

Q. And what did you do after that?

A. After he told us that the foundry was being closed down, we knocked the molds out, got the boxes all together, and put them in place, put all the tools in the shanty, and by that time it was after six o'clock.

Q. Now, you stated, I believe, that this was on March 13th?

A. This was on March 13th.

Q. And I believe that a few moments ago you said that you were elected President of Local 1331 on March 12?

A. That is right. I was elected President on March 12th and I was fired on the 13th.

Q. Now, on March 13th, was there a public announcement, to your knowledge, of the fact that you had been elected President of the lodge?

A. Yes, sir, in the Youngstown Vindicator, on March 13th, my name appeared there along with the other officers of the lodge.

Q. Were you the first president of this lodge?

A. I was.

Q. Had it just been created?

A. It certainly was.

Q. Now, when did you go back to the mill after March 13th? When was the next time you went down there?

A. On March 13 I went back on a Monday, which was the 15th.

Q. Who did you see on that date?

A. Previous to going down there, I had gone to see Mr. McCoy.

Q. You say, "Previous to going down there?"

A. Previous to going down to the mill, I went to see Mr. McCoy in the morning.

Q. At the mill?

A. That was down at Market Street, at the office.

Q. I see. Did you see Mr. McCoy?

A. I did.

Q. Tell the conversation that took place with Mr. McCoy.

A. There was six of us went down to see Mr. McCoy; I was one of them.

Q. Who were the others?

A. There was Charles Fagan, James White, Mike Bakes, Tony Navy, and myself.

Q. Now, this Charles Fagan that you mentioned, is that the Charles Fagan who has just testified?

A. Yes, sir.

Q. Did he work in the foundry also?

A. He did.

Q. These other men that were with you, they were men who worked in the foundry?

A. They were employed in the foundry.

Q. Now, will you go on with your conversation, please?

A. On the Monday, I was to see Mr. McCoy. Mr. McCoy then asked us how long we had worked there, what else we could do besides molding. And I told him about my previous experience in the electric weld, and he said he would have to look around and see what he could do for us, but he informed us that we would have to be hired through general labor, and from there we would have to try and find ourselves a better job.

Q. What do you mean? Or, what is the significance of having to be hired through general labor?

A. It was surprising to me, that he said that, because, usually, we were allowed to go around and look for a job for ourselves, a better job at the rate that, or near it as possible, that we were receiving, when we were discharged; that when he said we would be hired through general labor he led me to understand that that was the procedure that had been adopted by the company.

Q. To be hired through general labor, does that mean if you went back to work you would have to be hired as a new man?

A. I took that.

Q. All right. Was anything else said to you, by Mr. McCoy?

A. Mr. McCoy told us to come back in two or three days, and, in the meantime, he would look around.

Q. Did you see anybody else on March 15th, at the mill?

A. No, I did not.

Q. When you left Mr. McCoy's office, where did you go?

A. I went outside to look for a job. I went outside of the city altogether to look for a job.

Q. When was the next time that you returned to the mill?

A. I returned to the mill around three o'clock.

Q. On what date?

A. On the 15th of March.

Q. On that same Monday?

A. Yes, sir.

Q. Who did you see that afternoon?

A. I went down the steps, at the foot bridge entrance, and we got down to the bottom of the steps, and the policeman there stopped us, asked us where we were going?

We told him we were going for our tools. He took our check numbers, and checked them along with a slip he had in the office there, and then he sent two policemen with us to get the tools.

We went over to see Mr. Black, that was our foreman in the foundry.

Q. Mr. Black is the foreman in the foundry?

A. Yes, sir.

On the way over there, Mr. Sponcellar—

Q. Who is Mr. Sponcellar?

A. He is assistant master mechanic, I think, I understand, on the Hazelton side, the blast furnace. He stopped us there and give us our discharge slips there.

I told him, I says: "What is wrong?" I says: "I want to wait until pay day and in the meantime look around."

He said: "I have my orders. You take these slips, and go and get your money."

Q. You say he stopped you and made you your discharge slips. Where were you when he stopped you?

A. I was halfway between the foot bridge, on the other side of the river, and Mr. Black's shanty.

Q. Where were you? Were you in the office, or were you in the open property?

A. We were in open property, right on the railroad tracks.

Q. And at that time, if I remember correctly, you were on your way to see Mr. Black?

A. That is right.

Q. And being escorted by two company police?

A. That's right.

Q. Will you tell us a little bit more in detail Mr. Sponcellar's actions, as he gave you these discharge slips?

A. Mr. Sponcellar came up to us and handed us these discharge slips. I asked him, I says: "What is wrong?" I says: "I don't think that's fair to give us our discharge slips now. Why can't you let it lay until pay day, until we look around and see if we can get another job?"

He says: "I can't help it." He says: "That's their —"

Q. Then you took your discharge slips?

A. I first of all went over to Black, and I was escorted to where my tools were. After getting my tools together, I was escorted back again to the mill gate, and left out.

Q. To your knowledge, in the plant when work is

closed down, is it customary to discharge a man on the following day, or the same day—

A. No, it is not.

Q. —or do they have a different procedure?

A. They usually—I never before knew where a man was discharged before the work was finished. He usually was allowed to retain his pay slip, or his time card, or to go around there and try and get another job.

Q. You say, retain his pay slip or his time card. What is the value of retaining that? What does that permit him to do?

A. That permits him to go into the mill at any time that that card indicates.

Q. And without that, you cannot go into the mill?

A. You cannot.

Q. Now, if a man that has that, to your knowledge, is it quite all right for him to go around and contact the various foremen and supervisors?

A. Yes, sir.

Q. Did you see anyone else on that day regarding your job?

A. I was coming out, and at the foreman's shanty there. We had our tools, and our overalls. I asked the policeman there if I could see Mr. Manley. He told me I wouldn't be allowed to see Mr. Manley, and I had to wait in the shanty until Mr. Fagan had come back.

He had already gone to look for Mr. Manley. I asked to see Mr. Manley, as I said, and I was told I wouldn't be allowed to see him, I had to wait there until they found Fagan.

Q. Did you get to see Mr. Manley?

A. I did not.

Q. Did you return to the mill at any time after that date?

A. I went down to see Mr. McCoy, down at the Market Street office, some time later, and Mr. McCoy gave me a job in the labor gang.

He sent me down to Mr. Rose, the employment man, and in the meantime I told Mr. Rose there that I thought I would—I was not being treated fairly, and I was going to look around for another job.

Q. Just a moment, Mr. White.

You stated that Mr. McCoy gave you a job on the labor gang?

A. Yes, sir.

Q. How does that job compare in salary to the job that you had as a first-class molder?

A. As a first-class molder I was receiving $7.40 a day, and to be hired as a laborer would give me $5 a day.

Q. Did you accept that job?

A. I did not.

Q. What was the conversation you were just about to state you had with Mr. Rose?

A. I asked Mr. Rose if that wasn't a better job, if there wasn't a better job, that I considered with my years service in the company that I was entitled to a better job. He gave me the slip to start, and I didn't accept it.

Q. Was that the last time that you saw Mr. McCoy?

A. No, sir. About six or seven weeks—about three or four weeks after that, at a place where I was working was a—work was beginning to get slack, and I went to see Mr. McCoy, and I told Mr. McCoy I had been working out of town, and that I would like to go back into the Republic.

He said that there was one fellow he would have to see before I could be rehired.

I never asked him who it was, but he told me that, he told me to call him up in two days then. I called him up in a couple of days, and he told me he couldn't take me in their plant.

Q. At that time did Mr. McCoy know you were a member of the C. I. O.?

A. He certainly did.

When I went to Mr. McCoy, I told Mr. McCoy: "I wasn't up here on any false pretenses, I wanted to put my

cards on the table." I explained to him I was president of the Republic lodge, 1331.

Mr. McCoy said he was not interested in that, that he was there to see that men were hired, if there was a place for him.

Q. You stated that he said he would have to see someone else?

A. Yes, sir.

Q. What was the outcome of your conversation with him? By that, I mean, were you to come back, or were you to call, or was he to call you, or what?

A. I had to call him in two days, he said.

Q. Did you call him?

A. I called him in two days later, and Mr. McCoy informed me that there was nothing for me.

Q. Now, going back a bit, Mr. White.

Do you remember ever having been called into the office of Mr. Manley?

A. Mr. Manley?

Q. Pardon me, let me finish my question—at which time Mr. Manley spoke to you about your C. I. O. activities?

A. Mr. Manley never called me into the office once.

Q. You stated a few minutes ago that this place where you were working, after you were given your discharge slip at the Republic Steel Corporation, the work was beginning to get slack there.

How long after you were given your discharge slip on March 13th or March 15th, how long was it after that time you located another job?

A. I was laid off—I was discharged on the 13th, and I found a job on the 15th, and started on the 16th.

Q. What was the nature of your work there? Were you still doing molding?

A. Yes, sir.

Q. Now, how long have you worked since that date, up until the present date?

A. Where I am now? I worked for six weeks before the strike, and since the strike I went back there on August 2nd.

Q. On August 2nd. Are you working at the present time?

A. Yes, sir.

Q. What is your salary, or wage, where you are now working?

A. A dollar an hour.

Q. Do you know how much money you have earned since you were given your discharge at that time at the Republic Steel Corporation?

A. No, approximately, I do not.

Q. Well, you were making, you said, a dollar an hour?

A. Yes.

Q. How many hours a week were you working?

A. We were working an average of 40 hours a week.

Q. Working an average of 40 hours a week, you say?

A. Yes, sir.

Q. You worked six weeks before the strike was called?

A. Yes, sir.

Q. And you went back to work August 2nd?

A. Yes, sir.

Q. Do you want your job back—

A. Yes, I—

Q. —at the Republic Steel Corporation?

A. I certainly do.

MR. HOSKINS : That is all.

Cross Examination

Q. (By Mr. Day) When did you join the C. I. O.?

A. About November 3, 1936.

Q. Were you active?

A. Yes, sir.

Q. And you were the president of the C. I. O. lodge, 1331, is that right?

A. That's right.

Q. Republic?

A. Yes, sir.

Q. When were you elected to that office?

A. On March 12, 1936.

Q. And you have been active during these strikes?

A. How?

MR. HOSKINS: I object to that question. I would ask counsel for the other side to state what he means by "active."

MR. DAY: Oh, I think he understands what "active" means. It is not a word that needs any particular definition, it seems to me.

MR. HOSKINS: I would like to further object to the question on the ground that the direct examination was limited to the time up until the strike, and I ask that the cross examination be limited to the same period.

MR. DAY: This is one of the men who—

TRIAL EXAMINER LINDSAY: Yes, I understand.

MR. DAY: —who asked to be reinstated. We think we have the right, especially in view of our answer.

TRIAL EXAMINER LINDSAY: I think I will overrule the objection and let the record show an exception.

Q. (By Mr. Day) You have been active during the strike?

A. Yes.

Q. And you have been out on the picket line?

A. No, I haven't.

Q. Have you been a captain of the picket?

A. No, sir.

Q. What have you to do with picketing, anything?

A. I directed the pickets.

Q. You direct the picketing?

A. Yes.

Q. And as head of your—

A. Organization.

Q. —organization or lodge?

A. Yes, sir.

Q. And that is true since the beginning of the strike, is that right?

A. Yes, sir.

Q. Now, you know Mr. Fagan that testified here just before you?

A. Yes, sir.

Q. Was he active in the strike, on the picket line, do you know?

A. He was an officer of the lodge, and therefore couldn't be active on the picket line.

MR. HOSKINS: I object, your Honor, to this line of questioning.

I do not see that it has any bearing whatsoever.

TRIAL EXAMINER LINDSAY: I will sustain the objection as to anyone else except this man who is on the witness stand.

MR. DAY: Then I would like to recall Mr. Fagan for further questioning.

TRIAL EXAMINER LINDSAY: You have that right.

MR. DAY: When I get through with this witness.

TRIAL EXAMINER LINDSAY: You may.

Q. (By Mr. Day) You worked in the foundry as a molder, did you not, sir?

A. Yes, sir.

Q. And you quit work there on March 13th?

A. I was discharged on the 13th of March.

Q. Now, whether you were discharged or not—

A. Well, that's my meaning.

Q. —you quit working there on March 13th?

A. I couldn't do anything else when I was discharged.

Q. But that was the last day you worked there?

A. March 13th.

Q. March 13th?

A. Yes, sir.

Q. And you were one of how many molders, about?

A. There was seven molders, and seven helpers.

Q. In that foundry?

A. Yes, sir.

Q. And they all quit work at the same time?

A. They were all discharged at the same time.

Q. Well, whether they were all discharged or not, that was the last day they worked, was it not?

A. Yes, sir.

Q. And after that, were you told to go to the employment office about other work?

A. I wasn't told.

Q. Well, you went and saw Mr. McCoy, did you not?

A. That's right.

Q. What day did you see Mr. McCoy?

A. On the 15th.

Q. In his office?

A. Yes, sir.

Q. And you said there were other men there?

A. There was.

Q. About how many?

A. There was six of us altogether.

Q. And he talked to you, and them, about other work, is that right?

A. That's right.

Q. At that time did you tell Mr. McCoy you had formerly worked as a millwright?

A. Yes, sir.

Q. Was there any talk about you taking a job as a millwright?

A. There was no talk. He said he would see what he could do for us—but there was no talk. He never said anything about giving me a job as a millwright. He said that he would look around and see what he could do for us.

Q. Now, what does a millwright do?

A. Well, when I was in the millwrighting gang, I was in the break-down gang—for any break-down, or any millwright was supposed to go and fix it.

Q. But you did tell Mr. McCoy that you had been a millwright?

A. No.

Q. How?

A. I did not. I told Mr. McCoy I had a little experience at it with my previous job in the electric weld.

Q. Now, did you talk with Mr. McCoy at all about your previous experience? That is, as a millwright?

A. Yes, sir.

Q. Well now, what was that talk? Let us have it.

A. He asked me about—whether I had been a millwright, and I told him I had worked in the electric weld, and put up new machinery, and built, and that was my experience as far as millwrighting was concerned.

Q. You did not do any further work for the Republic Steel Corporation then, did you, after that?

A. No, sir.

Q. But you started to work for another company, did you not?

A. That's right.

Q. Now, what other company was it?

MR. HOSKINS: I object to that question, your Honor.

TRIAL EXAMINER LINDSAY: The objection is sustained.

MR. DAY: I want to be heard on that especially.

TRIAL EXAMINER LINDSAY: Well —

MR. DAY: We do not know who or what the other company is, how can we check up on how much money this man made?

TRIAL EXAMINER LINDSAY: That will be produced for you, Mr. Day, and my ruling on your objection still stands.

MR. DAY: Note an exception.

TRIAL EXAMINER LINDSAY: Let the record show an exception.

Q. (By Mr. Day) And you started to work for this other company on what day?

A. On the 16th.

Q. Of May?

A. 16th of —

Q. Of March?

A. Yes.

Q. Of this year?

A. Yes.

Q. And you worked up until when?

A. I worked up until the day of the strike.

Q. Up until the day of the strike?

A. Yes.

Q. That was May 25 or 26?

A. Yes, sir.

Q. Now, when the strike was called here, the plant, the Youngstown plant, except for some men, maintenance men, and so forth, closed down, did it not?

A. Yes, sir.

Q. And it was closed down until some time in June?

A. That's right.

Q. That is right?

A. Yes.

Q. It was shut down except for some maintenance men and some men that were down there?

A. That's right.

Q. All right. Now then, during that time you were working in connection with the strike, is that right?

A. That's right.

Q. And you say you came back and talked to Mr. McCoy about coming back to the Republic Steel Corporation?

A. That's right.

Q. And at that time you told him that you were connected with the C. I. O.?

A. That's right.

Q. You came right out and said you didn't want to have anything secret about it, that you were a C. I. O. man?

A. I told him I was president of the C. I. O. lodge.

Q. Of the lodge?

A. That's right.

Q. And he said that did not make any difference?

A. That's right.

Q. What else did he say?

A. He said then that he would—had to see one man before I could be put back to work.

Q. And he said that after you told him you were president of the C. I. O. lodge?

A. That's right.

Q. And you did not hear from him since?

A. No.

Q. You have not heard from him since?

A. No, sir.

Q. Is that right?

A. That's right.

Q. And now you are working for another company?

A. That's right.

Q. And you started on August 2nd?

A. That's right.

Q. And you were off, because of the strike, from May 26th until August 2nd?

A. That's right.

Q. When you left this other plant on May 26th, where you were working, did the plant close down, the other plant, or did you just leave to come back to get into the strike?

A. That's right.

Q. You left because you wanted to come here to the strike, is that right?

A. I left because I was president of the C. I. O. Republic Lodge.

Q. And you left so you could be back here in the strike?

A. Yes, sir.

Q. As president of your lodge?

A. Yes, sir.

MR. DAY: I think that is all.

MR. HOSKINS: That is all.

TRIAL EXAMINER LINDSAY: You may be excused.

(Witness excused.)

MR. HOSKINS: I will call Mr. Emil Waters.

MR. DAY: May I ask— I do not know when is the proper time to do it, but I would like to ask Mr. Fagan just one or two questions.

Is he here now?

MR. FAGAN: Yes.

MR. DAY: May I do that now?

TRIAL EXAMINER LINDSAY: Yes.

CHARLES BERNARD FAGAN

a witness recalled by and on behalf of the Respondent, and having been previously duly sworn, testified further as follows:

Recross Examination

BY MR. DAY:

Q. Mr. Fagan, are you an officer of the lodge?

A. Yes, sir.

Q. The lodge No. —

A. 1331, Republic Lodge, Youngstown.

Q. The same one of which the last witness was president?

A. Yes, sir.

Q. What officer are you?

A. I am Financial Secretary.

Q. Have you been active in the strike?

A. My job is Financial Secretary, it is to collect dues, and see that it is turned over to Pittsburgh, and I carried out my job.

Q. I did not understand that part about collecting dues.

A. I collect dues and see that the dues are returned to the main office where they belong; that is my job.

Q. You have been doing that since the strike started?

A. Yes.

Q. And you have been an officer of this lodge right along?

A. Since May 15th.

Q. And the lodge, of course, is one of the lodges that is on strike?

A. That's right.

MR. DAY: That is all.

(Witness excused.)

EMIL WALTERS

a witness called by and on behalf of the National Labor Relations Board, and, having been first duly sworn, testified as follows:

Direct Examination

BY MR. HOSKINS:

Q. Will you state your full name, Mr. Walters?

A. Emil Walters.

THE REPORTER: Is that spelled W-a-l-t-e-r-s?

THE WITNESS: W-a-l-t-e-r-s.

BY MR. HOSKINS:

Q. Will you spell your first name?

A. E-m-i-l.

Q. Where do you live, Mr. Walters?

A. 3145 Winona Drive.

Q. Is that in Youngstown?

A. In Youngstown.

Q. Have you ever worked for the Republic Steel Corporation?

A. Yes, sir.

Q. When did you first start to work for them?

A. Why, I believe it was in January, 1935, that I started there.

Q. What was your job in the Republic Steel Corporation?

A. Machinist.

Q. That was in the Youngstown Division of the Republic Steel Corporation?

A. Yes.

Q. While you were working, do you remember being called to any meetings in the plant at which unionism was discussed?

A. Yes. I was called to a meeting at the planer table in the machine shop, that is a machine in the machine shop.

Q. About when was it?

A. I would say that was about the middle of April.

Q. You said you were called over to the planer table; who called you?

A. Why, we had started to work, it was shortly after our turn starts at seven o'clock in the morning,—shortly after eleven o'clock I was working down there on a machine in the machine shop, and I—our foreman, Frank Whitaker, he came down and says: "Walters, there is a meeting taking place back at the planer table; go up there."

So, I says, "All right." Well, I walked up to the planer table, and there was a lot of the men gathered there.

I worked at the far end of the machine shop, and I am about the last man who he would come down to down there, and they were all up there but me when I got there.

And Mr. Manley, our master mechanic, he was up on this planer table, and prepared to give us a talk about organizing. He says that: "You know what we are gathered here for," he said, "talking about this organizing going on on the outside," he said, "this C. I. O." He says: "Fellows," he said, "I will tell you all we want—"

MR. DAY: May we have an objection to this conversation as to this meeting on the ground it is not shown that any officer was there who had authority to represent the Respondent, or that the Respondent had knowledge of what occurred?

TRIAL EXAMINER LINDSAY: Might I ask—I did not catch the name of the man who is giving—

MR. HOSKINS: In answer to the objection, I would like to state that—

TRIAL EXAMINER LINDSAY: Just a moment. I would like to have the name of the man who is giving the talk.

MR. HOSKINS: That is what I was going to say, it was Mr. William Manley.

TRIAL EXAMINER LINDSAY: William Manley?

MR. HOSKINS: And it has been testified that he was master mechanic.

TRIAL EXAMINER LINDSAY: The objection is overruled; let the record show an exception for the Respondent.

BY MR. HOSKINS:

Q. Go ahead.

A. So he said, "We are gathered here, talking about this. I know this talk going on about this organization," he says, "on the outside."

Q. Just a moment, Mr Walters. Is this Mr. Manley now that was doing all of the talking?

A. Mr. Manley, our master mechanic; and he said: "Fellows, all they want is your dollar. Then later on," he says, "they will sell you out. You have been sold out before," he said. "There has never been a strike won in this valley, and this ain't going to be won here, either. All they want is your dollar."

He says, "Now, our representative plan that we have here," he says, "I know conditions as they were years ago, here, and I know them as they are now, and I know we have improved them through our representative plan, and," he said, "So do some of you older men here, you know that conditions are a lot better than they were, and I think the representative plan is much better for you men, and for all of us," he says, "than an outside organization coming down here." He said, "Now," he says, "I called in the President of your organization out here," he said, "Mr. Tom White" —and he named two other fellows—that he called in to his office—but I don't remember the name of the other two, but I remember the name of White—and he says, "I told him—Now, Tom, you know you have worked here for a number of years." He says, "All they want is your money." He says, "Then they will sell you out." He says, "That's what will happen." And he says, "White at that time was supposed to have told him, 'I have got my price, too.' "

Now, that's what the master mechanic told us that White said, that he had had his price, too, and he talked more about what the representative plan could do, that men in there would represent us with our grievances that we had better than an outside man could belonging to an outside union, and that closed the meeting.

We turned around and walked away.

MR. DAY: Now, I move to strike out the witness' account of what transpired at the meeting for the reason stated in the objection made to that same subject.

TRIAL EXAMINER LINDSAY: Your motion to strike is denied. Let the record show an exception.

And Mr. Attorney, may I ask you a question?

Off the record.

(Thereupon a discussion was had off the record.)

TRIAL EXAMINER LINDSAY: On the record.

What was the date of this meeting?

MR. HOSKINS: The middle of April, 1937.

TRIAL EXAMINER LINDSAY: This meeting we are talking about was about the middle of April, 1937?

MR. DAY: Yes.

TRIAL EXAMINER LINDSAY: Proceed.

BY MR. HOSKINS:

Q. Mr. Walters, at that time did Mr. Manley state what would happen to a man if he joined the Union?

A. Yes, he did.

He stated: "Now, I told Mr. White if you don't cut out this Union talk"—Mr. White of the two men he had called in to his office, he says, "I told him," he says, "now, if you don't cut out this Union talk, I will fire you."

He says, "That goes for every one of you," motioning his hand out at all of us like that (witness indicates).

Q. How long did this meeting last, Mr. Walters?

A. I would say it lasted oh, 15 to 20 minutes.

Q. About how many men would you say were there?

A. Why, they called in the blacksmiths, on that turn, and the machine shop, and the engine house gang, the fellows that worked out in the engine house. I would say there was about all told, between 35 and 45 or 50, 50 men, something like that.

Q. Were you paid for the time that you spent at that meeting?

A. Yes.

Q. All right. Were you called to any other meetings, while you were working?

A. Yes, I was. About three weeks to a month later than that, why—

Q. Let us see, then, that would be about the middle of May?

A. Yes.

Q. I see.

A. Around about the middle of May, why, the foreman came down again after we had started to work this night.

Q. Was that the same foreman, Mr. Whitaker?

A. The same foreman, Frank Whitaker. He came down and said: "Walters, there is another meeting going on up here at the planer table. Shut down your machine and go up there."

I said: "All right." And I went up to the planer table, and all the men were gathered around there, and a man I had never seen before around there myself, was up on the planer table, dressed up in good clothes. I was later told that his name was Butler, Assistant Master Mechanic.

He said: "Fellows, we are gathered here"—

MR. DAY: May we have an objection to this conversation on the same grounds as stated in our objection to the conversation in the middle of April?

TRIAL EXAMINER LINDSAY: Yes.

The objection is overruled. Let the record show an exception for the Respondent.

Proceed with the examination of this witness.

BY MR. HOSKINS:

Q. Go ahead.

MR. HOSKINS: Will the Reporter please read the last part of the answer where the witness left off?

(Thereupon the last answer of the witness was read by the Reporter.)

A. He called this meeting here, and said: "Come on, I am in a hurry, I am busy, I want to get back over there." He pointed toward the master mechanic. And then I went over there, and he said, "I am going to introduce a fellow that some of you fellows know." And he introduced Mr. Jones. He was dressed up, too.

Q. Do you know Mr. Jones' first name?

A. I have heard it many times.

Q. Well—

A. But I just can't think of it now.

Q. Do you know what Mr. Jones' job was around the plant?

A. Well, supposed to be some kind of a pusher, or assistant foreman in a pipe gang, or something like that.

MR. DAY: I object to that "supposed to be some kind of a something."

TRIAL EXAMINER LINDSAY: Yes, I will permit that to be stricken, unless you know of your own knowledge what he is doing.

MR. HOSKINS: Repeat the last question.

(Last question read by the Reporter.)

BY MR. HOSKINS:

Q. Do you know of your own knowledge what his job is?

A. Well, I have did work when he has come in for—in the machine shop—where this work was, at one time, and I was told by him that he was foreman, assistant foreman, of some kind.

Q. Very well.

A. I don't remember just what he said, but it was over a pipe gang, or something.

Q. You said that Mr. Butler introduced Mr. Jones?

A. He introduced this Mr. Jones, and Mr. Butler immediately left, he said he had to go back over there, and he waved his hands toward the mechanics' office.

Mr. Jones started out talking about this outside organization, organizing men. He said: "We can have an organization of our own in here. We don't need this C. I. O.," he said. "All they want is your dollar. We have an organization here. Our representative plan is good enough for us, and," he said, "I have some cards here for you fellows to sign that want to work. You fellows that want to hold your jobs, sign these cards."

Q. Now, just a moment, Mr. Walters.

MR. HOSKINS: I ask that this be marked for identification Board's Exhibit 55.

(The document referred to was thereupon marked for identification as Board's Exhibit No. 55.)

BY MR. HOSKINS:

Q. Did you receive one of the cards that he said he had there?

A. Yes, I did.

Q. (Indicating) I show you Board's Exhibit No. 55, consisting of two cards, with perforated edges, the cards are separated. Is that card similar to the one you got that night, Mr. Walters?

A. Yes, it is.

MR. HOSKINS: I offer in evidence Board's Exhibit No. 55 (handing exhibit to counsel).

MR. DAY: We object to it on the ground it is incompetent, irrelevant and immaterial.

TRIAL EXAMINER LINDSAY: May I see it?

MR. HOSKINS: Certainly (handing exhibit to the Trial Examiner).

MR. DAY: And further that there is no evidence to connect this with the Respondent, or to show that it was authorized by the Respondent, or issued with the knowledge or consent of the Respondent.

TRIAL EXAMINER LINDSAY: The objection is overruled. Let the record show an exception, and Board's Exhibit No. 55 is received in evidence.

(The document previously marked for identification as Board's Exhibit No. 55 was received in evidence.)

MR. HOSKINS: I would like to ask the Reporter to read to Mr. Walters the last part of his testimony before I introduce the exhibit.

(Last part of the answer of the witness read by the Reporter.)

BY MR. HOSKINS:

Q. Now, Mr. Walters, did Mr. Jones have anything else to say?

A. Oh, he talked more on the representative plan, and told how conditions were before they had the representative plan, and how they are now, and how much they have improved, and made conditions better for the men in general, and closed the meeting, handed out cards, though, before he did,—reached in his pocket and pulled out a bunch of these cards.

Q. Are you referring to the cards contained on Board's Exhibit No. 55? A. Yes.

Q. Thank you.

A. Pulled these cards out, and handed to some of the men around him close there. One of them—one of the bosses' sons there, not our boss, but another foreman in the plant, he gathered them, and distributed them amongst the men that were gathered there, and I got one of them.

As the print was awful fine, to read in a shop where the lights are up here where you can't read very good, it doesn't give you enough light, it was pretty hard to read all that

was printed, but I managed to make out that it was for collective hours, and bargaining, as to wages. In other words, it was a Union card that I was signing, something that Mr. Manley said that he would not tolerate.

Manley warned us that if we talked Union around the shop he would fire us. Still there was a man being allowed to come around and solicit for members in a Union.

Q. When had Mr. Manley warned you that if you talked Union around the shop that he would fire you?

MR. DAY: I object to the question on the same ground that was heretofore made to this conversation.

TRIAL EXAMINER LINDSAY: The objection is overruled and the record may show an exception for the Respondent.

(Exception for Respondent.)

BY MR. HOSKINS:

Q. Was that at the meeting in April that you have just testified to?

A. Yes, he told us then that that meant all of us, that he would fire us.

Q. At this meeting early in May, or the middle of May, that you have just related, how many men were present at that time, would you say?

A. Well, I would say about the same amount, they called in the three departments.

Q. That was the same number that was in attendance at the April meeting?

A. Yes.

Q. How long did that meeting last?

A. Oh, I would say 15 or 20 minutes.

Q. Were you paid for the time spent at that meeting?

A. Yes, I was.

Q. Did you attend any other meetings?

A. Yes, I did. Two days later they called another meeting.

Q. This is two days later?

A. Two days later than the second meeting, they called another meeting.

Our foreman come down and said to me: "Tonight is another meeting," in kind of a joking way, "another black hand meeting," and laughed.

I said: "Where is this one at?" He said: "In the office this time, in the machine shop office."

So I went up there, and the men were all there that could get in the office. The office is very small, the tool rooms. I suppose all told you could get about 30 men in there. The rest were outside gathered around the office and in the doorway.

I managed to get in there, and there was an office desk in there, and there was a petition lying on the desk, about so long, and about that wide (indicating), and on this petition,—a fellow "ribbed" me, and he said: "Read the petition there."

I picked up the petition, and I read it, and it says—we are putting our signatures down on this petition, and it was to be presented to the Mayor of Youngstown, Mayor Evans, to give him the right—that we were giving him—that we are asking him for the right to send down police and give those fellows that want to go outside and hold their jobs the right to go and work and have police protection.

MR. DAY: I want to object to that on the ground that it is incompetent, irrelevant and immaterial, and there is nothing to show that it was authorized by the Respondent or that it took place with the knowledge of the Respondent.

TRIAL EXAMINER LINDSAY: The objection is overruled, and let the record show an exception for the Respondent.

(Exception for the Respondent.)

BY MR. HOSKINS:

Q. Go ahead.

A. So Mr. Jones, in the meantime—he was in his work clothes this night, and he had another man with him that

was dressed up, a tall fellow that I had never seen before.

Q. Was that the same Jones that you had referred to previously?

A. Yes, this was the same Jones that Butler had introduced just a couple of nights previous.

I said to Mr. Jones—he was talking about inside organization, the representative plan, when I walked in there, and I waited until he was through talking, and I said to Mr. Jones—

MR. DAY: I have the same objection to this conversation as before stated, and on the same grounds.

TRIAL EXAMINER LINDSAY: The objection is overruled. Let the record show an exception for the Respondent.

(Exception for the Respondent.)

BY MR. HOSKINS:

Q. Go ahead.

A. I said: "What is this meeting called about, Mr. Jones?" "Jonesy," I said to him. He said: "Why, there is the petition, read it."

I said: "I have read it." He said: "Well, that's what it means. Sign that petition," he said, "so we can get the Mayor to send police down here, and you fellows that want to hold your jobs, and want your work, have a right to go to work. The Mayor will see that you get police protection. When we get this petition made out, we will send it to him."

I said: "What is the idea of all of these meetings?" I said: "This is the third one. You have got me all worked up. It is getting on my nerves. A man can't come to work without being called to a meeting. I am getting tired of it. A week or so ago I got a letter from the Company stating the fact that I didn't have to sign nothing to work there. I didn't have to belong to or join any Union to work there. I didn't have to sign nothing whatever. Instead, you turn around," I says,—"Mr. Manley had a meeting and told us he would not tolerate any Union activities in the plant what-

ever, and then you turn around and call two meetings. So, what is this but a Company Union?"

Q. Go a little bit slower, will you, Mr. Walters?

A. I said: "What is this but a Company Union?" I said: "Where a man signs that, or any of the other cards, you are handing out here, you are signing for the Company Union, and the Wagner Law, outlaws that. We can join a Union of our own choosing." I said: "We don't want to be told what is good for us. We know what is good for us."

He said: "You don't know what the hell you are talking about." I said: "The hell I don't." I said: "Mr. Manley said he wouldn't tolerate any soliciting in the shop whatever, any Union talk, he would fire us if we did, and then you have a right to come here—what is it but a Company Union?"

He said: "You don't know what the hell you are talking about." So he got mad.

And there was others in there, and it come up an argument.

A man that's been there for years, he said: "Why don't the Company do a little something?" And another man took up the argument, amongst the men in there, and it got so that Mr. Jones couldn't answer him fast enough. He got mad, and I walked out of there, and I don't know what took place.

I was told later on that he said: "To hell with you all."

MR. DAY: I object to what took place after the witness walked out.

MR. HOSKINS: Yes, I consent to that.

TRIAL EXAMINER LINDSAY: Yes, that may be stricken.

BY MR. HOSKINS:

Q. At these three meetings, did you see any of the foremen present?

A. Yes, the foremen of those departments were there.

Q. Did you recognize several foremen?

A. Yes, I recognized a foreman from the boiler shop, our foreman, and a man that has charge of the engine house gang. I don't recall their names, though.

Q. Now, this last meeting that you have just spoken of, you said it was two days after the second meeting?

A. Yes, it was.

Q. Did you attend any more meetings?

A. Yes, and then a long one about a week before the strike, why, there was another meeting called.

Q. What day was the strike, do you know?

A. On the 26th day of May, why, the foreman come down to me one morning, about three o'clock.

Q. Is this the same foreman?

A. Same foreman, Whitaker, one morning about three o'clock, this Frank Whitaker came down to me, and said: "Walters, there is going to be a district meeting for the mechanical department at the district office."

I said: "Where is the district office?" He said: "Up on Market Street, the Republic office." I said: "Where is that office?" He said: "You know where the employment office is?" I said: "Yes."

He said: "You pass it going down to the employment office, the building on the right." He said: "You will see a lot of men there, and that will be the place, eight o'clock tomorrow morning."

I said: "Is it compulsory to attend?" He said: "Manley wants to see you all there." That is the master mechanic. So I said: "All right. That is eight o'clock." So I went up to that meeting the next evening. I was there a little early. I walked around the men gathered there. We went in, and it was a man sitting at the desk there, by the name of Smith.

Q. Just a moment, Mr. Walters. You say this was at the district office. Do you mean by that the district office of the Republic Steel Corporation?

A. Yes, right where the foreman said it was. So, after

all of the men that could get in there were in there, I would say about 200 in there, maybe a little more, why this fellow called the meeting to order, at the desk, the fellow named Smith, and he introduced a man that I know in the machine shop by the name of Bill Cummings, he worked in the tool room, to start off the meeting, and they had a microphone there that you could talk to, so it would sound loud, and everyone could hear it. I don't know whether the wires led outside the building or not, but there was a mike there anyway, and Mr. Cummings spoke through this mike. We heard what was said.

MR. DAY: I would like to object to what took place at this meeting upon the same grounds as stated in our objection as to what took place in other meetings as related by this same witness.

TRIAL EXAMINER LINDSAY: May I ask, Mr. Hoskins, were all of these meetings held at plants of the Republic Steel Corporation?

MR. HOSKINS: All on Company property.

TRIAL EXAMINER LINDSAY: The objection is overruled. Let the record show an exception.

(Exception by Respondent.)

BY MR. HOSKINS:

Q. Go ahead.

A. So Bill Cummings, he started talking about the representative plan, how much better he thought it was for us than any outside Union could give us.

He said: "If I had any grievances," he said, "I have been with the Company for years"—he is an older fellow—he said: "Well, I would rather take it up with men like Al Greer, and Shorty Anderson,"—they were two machinists on the day turn—"Fellows I have known for years, I would rather have them handle my grievances than an outside Union, a stranger that I wouldn't know, I wouldn't know how he would represent me, he wouldn't know my line of work. I would much rather have men in here that I would

knew," he said, "this outside Union here," he said, "they are not for you or me."

So he went on and talked for a while more about the representative plan, how much it had improved since the start of it, but we didn't need no outside Union in there, and when he finished talking, why, they introduced another speaker. I don't recall his name.

TRIAL EXAMINER LINDSAY: Off the record.

(There was a discussion off the record.)

TRIAL EXAMINER LINDSAY: On the record.

We are going to continue until about one o'clock, and then have a recess for noon.

MR. HOSKINS: Will you please read the last part of the witness' answer?

(Last part of the witness' answer read by the Reporter.)

BY MR. HOSKINS:

Q. Go ahead.

A. Yes, that's right. They introduced a speaker, and he talked about the representative plan, and he also talked about the coal fields, and the C. I. O., and John L. Lewis. He mentioned their names, and he said: "They are not for you, they will do to you fellows just like they did to the fellows in the coal fields. They will double your dues—they will double your dues. You can't stop them once you sign their cause, then they can do as they please."

MR. LAUTER: If you please, Mr. Examiner, at this time I should like that this witness step down from the stand so we can put on a witness who has been subpoenaed to testify about certain data and who, as I understand it, is receiving medical treatment at this time, and I will try to finish with him as quickly as I can.

TRIAL EXAMINER LINDSAY: Request is granted, and you are to remain for further examination. You may step down.

JOHN GOEST

a witness called by and on behalf of the National Labor Relations Board, and, having been first duly sworn, testified as follows:

Direct Examination

BY MR. LAUTER:

Q. What is your full name?

A. John Goest.

Q. Where do you reside, Mr. Goest?

A. 302 East Judson.

Q. You are employed by the Republic Steel Corporation?

A. Yes, sir.

Q. At what plant have you been employed?

A. 20 years, since March 1st, 1917.

Q. What plant have you been working at?

A. Youngstown Coke Plant.

Q. What kind of work have you been doing?

A. Brick-layer.

Q. Just speak up as loudly as you can.

A. Brick layer.

Q. Have you worked steadily since 1917?

A. With the exception of a few weeks during the strike in 1919 I was out.

Q. In what capacity did you work?

A. At brick-layer.

Q. What department?

A. Masonry.

Q. Masonry department?

A. Yes, sir.

(Thereupon the document was marked for identification as Board's Exhibit No. 56.)

Q. I hand you Board's Exhibit No. 56 for identification and ask you to state what that is.

A. That is the by-laws of the Republic Steel Workers representation plan, was in effect in 1933.

MR. LAUTER: I will offer this in evidence as Board's Exhibit No. 56.

MR. DAY: No objection.

TRIAL EXAMINER LINDSAY: Board's Exhibit 56 is received in evidence.

(The document previously marked for identification as Board's Exhibit No. 56, was received in evidence.)

Q. When was the first time that you heard about the plan of employee representation of the Youngstown district?

A. It was sometime in June, I went out to work one morning and I was handed one of those by-laws and there was posters throughout the plant.

MR. DAY: June, what year?

THE WITNESS: 1933.

Q. You were handed one of the by-laws similar to Board's Exhibit 56?

A. Yes, sir.

Q. Yes? And you say you saw some posters on the board?

A. Yes, notifying that they were going to put such a plan in effect, there would be nominations and elections at a stated date, I just don't remember the date.

Q. Now, who handed you the copy of the by-laws?

A. The foreman.

Q. The foreman in your department?

A. Yes, sir.

Q. And were similar copies of the by-laws given to other employees? Did you notice?

A. I think so.

Q. Now, after that were nominations and elections held in the plant?

A. Yes, sir.

Q. And were there nominations and elections for representatives under the plan?

A. Yes, sir.

Q. Did they take place in the plant?

A. Yes, sir.

Q. They were voted—Have you voted at any of those elections?

A. Yes, sir, I voted at every one.

Q. Would you describe where they took place and what happened?

A. Well, they were—the balloting was out in booths that was placed throughout the plant, and we were permitted to vote in turn, that is, not to shut the shop down, we were ordered to go up there and vote in numbers, you know, they would not shut the job down, keep so many men at work. They never went to vote in a body.

Q. When you went to vote somebody replaced you?

A. Not in our department. I don't know how about the others. They could afford to let some of us go and would still continue laying brick.

Q. You didn't lose time or pay for going to vote?

A. No, sir.

Q. There were both nominations and elections held on separate dates, is that it?

A. Yes, sir.

Q. Do you recall who was elected chairman of the plan, first year?

A. Mart Murphy, I believe.

Q. Was he re-elected on subsequent elections?

A. Yes, sir.

Q. That is, 1934 and 1935?

A. And 1936.

Q. And 1936?

A. Yes, sir.

Q. He has been chairman of the plan ever since its initiation, is that correct?

A. Yes, sir.

Q. Under the plan have there been any general meetings for members?

A. Not that I know of.

Q. Have there been members of the General Body?

A. Yes, sir.

Q. What is the General Body?

A. It is composed of the representatives from the different departments. They meet once a month.

Q. Where do they meet?

A. Well, there was a room provided for us in the old office at the Hazelton Furnace, for a number of years.

(The document was thereupon marked for identification as Board's Exhibit No. 57.)

Q. That is on the plant property, is that correct?

A. Yes, sir.

Q. I hand you Board's Exhibit No. 57 for identification and ask you to state what that is, please?

A. That is a schedule furnished by the management of the meetings of the representatives.

Q. And is that prepared by the management?

A. Yes, sir.

Q. That is mimeographed on this ditto machine?

A. Yes, sir.

Q. Board's Exhibit No. 57, for 1936 and 1937, was that handed to you personally?

A. Yes, sir.

MR. LAUTER: I offer this in evidence as Board's Exhibit 57.

MR. DAY: No objection.

MR. LAUTER: I offer it in evidence as Board's Exhibit No. 57.

TRIAL EXAMINER LINDSAY: Any objection?

MR. DAY: It is all right.

TRIAL EXAMINER LINDSAY: Board's Exhibit No. 57 is received in evidence.

(The document previously marked for identification as Board's Exhibit No. 57 was received in evidence.)

BY MR. LAUTER:

Q. Were you ever elected a representative under the plan?

A. Yes, sir.

Q. In what years were you elected representative?

A. 1934 and '35 and '36.

Q. That is, you served from 1934 to 1935, and 1935 to 1936?

A. Yes, sir.

Q. You attended meetings of the General Body?

A. Yes, sir.

Q. Did you get paid for attending those meetings?

A. Yes, sir.

Q. And those meetings that you specified were held on plant property; is that correct?

A. Yes, sir.

Q. Were you also a member of any of the committees?

A. No. 2 committee.

Q. What is No. 2 committee?

A. Well, it is supposed to be for wages, working schedule, working conditions et cetera.

Q. Where were meetings of the No. 2 committee held?

A. At the same place as the General Body meetings.

Q. That is, in the plant?

A. Yes, sir.

(The document was thereupon marked for identification as Board's Exhibit No. 58.)

Q. I hand you Board's Exhibit No. 58 for identification, and ask you to state what that is.

A. That was the results of the election of 1936.

Q. Is that the year in which you were elected a representative?

A. I was elected that year too, yes.

Q. And this is the result of the election, is that correct?

A. Yes, sir.

MR. LAUTER: I offer in evidence Board's Exhibit No. 58.

TRIAL EXAMINER LINDSAY: Any objection?

MR. DAY: No.

TRIAL EXAMINER LINDSAY: Board's Exhibit No. 58 is received in evidence.

(The document previously marked for identification as Board's Exhibit No. 58, was received in evidence.)

Q. Did you receive copies of the minutes of the meetings of the General Body?

A. Yes, sir.

Q. How did you receive those minutes?

A. Well, they generally came through the mail, delivered at the cap department, at the plant.

Q. Right in the plant?

A. Yes, sir.

Q. And those minutes were dittoed by the company, is that correct?

A. As far as I know, yes.

Q. Who took the minutes of the meetings of the General Body?

A. The Secretary.

Q. What was his name?

A. Well, Joe Smith was secretary in 1936, I believe.

Q. What did you do with the minutes when you received them, of the General Body?

A. I just took them home and filed them.

Q. Well, was there any way of communicating what happened at the meeting, to the men, by the posting of the minutes?

A. I never posted them, I had no place to post them.

Weren't any bulletin boards available, I don't think.

Q. Well, was there a request made for bulletin boards, for posting minutes?

A. Yes, requests were made for bulletin boards several times, but we never got any in our department.

Q. Any membership cards in the employees' representation plan?

A. No.

Q. Was membership automatic in the organization when you voted for representative?

A. Sir?

Q. Is membership automatic when you vote for representative?

A. Yes, sir.

Q. Who is the management representative under the plan, in the Youngstown district?

A. Mr. McCoy.

Q. Did he attend the meetings?

A. Well, he was at the meetings but not while they were in session.

Q. Will you describe a meeting of the No. 2 committee that you attended?

A. Well, it was composed of five employees' representatives and five of the management's representatives.

Q. You are referring now, to a joint committee, is that right?

A. Yes, joint committee.

Q. There was also a standing committee No. 2?

A. Yes, standing committee.

Q. How many employees was that composed of?

A. Five.

Q. Five employee representatives?

A. Yes.

Q. And the joint committee was composed of five employee representatives?

A. Yes.

Q. And the joint committee was composed of five employee representatives with five management representatives?

A. Yes, sir.

Q. What was discussed at the No. 2 joint committee?

A. Joint committee?

Q. Yes.

A. Well, we generally had cases to discuss on wages, generally wages.

Q. Were minutes of those meetings also gotten up by the company?

A. Yes, sir.

(The documents were marked for identification as Board's Exhibits Nos. 59 and 60.)

BY MR. LAUTER:

Q. I hand you Board's Exhibit No. 59 for identification and ask you whether or not these are the minutes of the first regular meeting of the joint committee No. 2, August 17, 1934?

A. Yes, sir.

MR. LAUTER: I offer these minutes in evidence as Board's Exhibit No. 59.

MR. DAY: No objection.

TRIAL EXAMINER LINDSAY: Board's Exhibit No. 59 is received in evidence.

(The document previously marked for identification as Board's Exhibit No. 59, was received in evidence.)

MR. DAY: I understand this is a copy that this man received as a member of the General Body.

MR. LAUTER: As a member of the Joint Committee No. 2.

TRIAL EXAMINER LINDSAY: Board's Exhibit No. 59 is received in evidence.

BY MR. LAUTER:

Q. I call your attention to the statement in Board's Exhibit 59 that the committee was not able to agree upon choice of the officers, and adjourned. Will you describe what took place August 17, 1934, referred to in Board's Exhibit No. 59?

A. Was that joint committee meeting No. 2?

Q. That is correct.

A. Well, at the first meeting, why it is the general custom to elect officers. Well, we tried to make an election at that. We balloted and balloted and we couldn't get to any conclusion. We balloted until it was dark. At that time they had no lighting facilities, because they had had a fire in that building, we was holding our meeting, so we adjourned until a later date.

Q. You say you balloted and balloted, how does it happen that you weren't able to decide upon a selection for chairman?

A. Well, it appeared that they wanted the chairmanship and we wanted the chairmanship and we balloted—

Q. When you say "they" tell me whom you refer to?

A. The management, I would say.

Q. The company representatives on the Joint No. 2 Committee meeting?

A. Yes, sir.

Q. What happened?

A. Well, we just voted until we couldn't vote any longer, so we adjourned the meeting.

Q. What happened at each vote?

A. Five—

Q. Because there were five management representatives and five employee representatives?

A. Yes.

Q. You balloted until dark? Did you meet again after that?

A. I think one week later.

Q. What happened then?

A. Well, we gave them the election.

Q. When you say you gave them the election, you mean you permitted them to have the chairmanship, is that correct?

A. Yes, sir.

Q. Why was it particularly important to have the chairmanship of that committee?

A. Well, maybe the management could tell that. They put up a pretty bitter battle for it. I couldn't say, unless there would be something in the procedure that they could gain some benefit from it.

Q. Was there some sort of procedure with respect to making motions?

A. Well, sometimes they could entertain a motion to cut the ballots down to two ballots, that is the balloting on wage cases.

Q. You mean where there was a five to five tie?

A. Yes.

Q. They would cut down the ballots to two ballots?

A. Two ballots.

Q. I hand you Board's Exhibit No. 60 for identification, and ask you whether or not this is a case which was presented to the chairman and members of the Joint Committee No. 2, and referred to here as having been filed March 20, 1936?

A. Yes, sir.

Q. And is this a copy which you received?

A. Yes, sir.

MR. LAUTER: I offer that as Board's Exhibit 60.

(The document was thereupon marked for identification as Board's Exhibit No. 61.)

MR. DAY: We object to this Board's Exhibit 60 upon the ground it does not tend to support any charge in the complaint. It is irrelevant and immaterial and incompetent.

TRIAL EXAMINER LINDSAY: May I see it, please?

MR. DAY: It has no bearing on any issue presented here.

TRIAL EXAMINER LINDSAY: Objection overruled. Let the record show the exception. Board's Exhibit 60 is received in evidence.

MR. DAY: What is the date?

TRIAL EXAMINER LINDSAY: This is 1936?

MR. LAUTER: The exhibit itself is not needed, except March 20, 1936, it was filed.

Q. I call your attention to the pencil notations at the bottom of Board's Exhibit 60, which states: "Motion present rate be retained, vote five yes, five no. Motion, rate be raised to sixty cents per hour, five yes, five no," will you explain what that means?

MR. DAY: I object to that, on the same ground we objected to the exhibit.

TRIAL EXAMINER LINDSAY: Objection overruled. Let the record show an exception.

(The document previously marked for identification as Board's Exhibit No. 60 was received in evidence.)

A. Why, the way that thing came about, why we would consider the cases and discuss them and then finally one of the members on either side would make a motion. If it was us, we would probably make a motion to grant the request.

Q. You say "us"—you mean the employee representatives?

A. Yes. Well, then when we would count the ballots they would generally be five and five, and then on the next ballot why someone of the management representatives would make a motion that the rate be retained and of course—

Q. That is, the old rate, before the request?

A. Yes, and then the ballot would probably be the

same, five and five. That is the way they did, on that one.

Q. Did that happen on most of them, that way?

A. Well, quite a few.

Q. Do you recall the exact number that were taken up in joint committee No. 2?

A. No, I have no idea.

Q. Will you describe how grievances were handled under the employees representation plan?

A. Well, when the men had grievances they first went to the superintendent, and told him the grievance, and he in turn took it up with the management. And he would generally come back and tell us that they would not go along with it, so then we would take it up with No. 2 committee, ask to have it taken up with No. 2 committee. Of course, we would file that in writing, to Mr. McCoy. And in a few days, why we would get notice that it was being turned over to the No. 2 committee, and the first meeting that came along, why we would handle the case.

Q. That is, Plant Committee No. 2?

A. Joint Committee No. 2.

Q. Joint Committee No. 2? I hand you Board's Exhibit 61 for identification, and ask you whether or not these are the forms supplied by the company which you used in handling grievances?

A. Yes, sir.

MR. LAUTER: I offer in evidence Board's Exhibit No. 61.

MR. DAY: No objection.

TRIAL EXAMINER LINDSAY: No objection?

MR. DAY: Well, we object on the ground they haven't any relevancy to any issue presented here. We do not object on the ground they are copies.

TRIAL EXAMINER LINDSAY: The objection is overruled, let the record show an exception. Board's Exhibit 61 received in evidence.

(The document previously marked for identifica-

tion as Board's Exhibit 61, was received in evidence.)

Q. (By Mr. Lauter) Do you know whether or not the management representatives had any notice of the character of the grievances that were taken up at the Joint Committee Meeting No. 2?

A. No, I don't. I would not know.

Q. Will you describe their actions at the meetings?

A. Well, sometimes the battle would get pretty hot, and then others, other times they would appear—offer very little resistance, they would just sit mum and ballot, and then vote their way, five against us.

Q. After it was taken up with No. 2 Committee, you had the five to five tie, what would happen to the case?

A. Well, you still had a chance to appeal it to No. 4 committee.

Q. Did you ever take a case up with the No. 4 committee?

A. Yes, sir.

Q. Will you describe what happened there?

A. Well, it was the same thing, five to five, tie.

Q. So that you did not get anywhere with the grievances?

A. Not with No. 4 committee.

Q. Were there any dues ever paid into the plan by the members?

A. No.

Q. Who paid for the expenses in connection with the operation of the plan?

A. Well, as far as my expenses were concerned, the company paid me. I just got paid for the hours I lost from my work, attending meetings.

Q. I refer also to the printing of the by-laws, printing of minutes.

A. As far as I know.

Q. Furnishing booths, ballots, tally sheets, taking photographs of the representatives?

A. As far as I know.

Q. Time lost while these photographs were being taken?

A. Yes, sir.

Q. Time lost while you were out voting?

A. Yes, sir.

Q. Time lost at annual conferences?

A. Yes, sir.

Q. Banquets were furnished at annual conferences?

A. Yes, sir.

Q. Paid for by the company, is that correct?

A. Yes, sir.

(The documents were thereupon marked for identification as Board's Exhibits Nos. 62, 63, and 64.)

Q. (By Mr. Lauter) Who is Mr. Quinby? Was he a representative under the plan?

A. Yes, he was a representative in 1933, I believe.

Q. 1933 and 1934? You were first elected representative in 1934 and 1935, is that correct?

A. Yes.

Q. Do you recall a wage increase for brick-layers which you took up?

A. Which I took up?

Q. Which he took up?

A. Well, he was supposed to have taken it up, I don't know.

Q. Did you ever have up a request?

A. Yes, I took it up.

Q. Will you describe what happened to that request?

A. Well, I followed the usual procedure and then I finally got a meeting with Mr. Levantry.

Q. Who is Mr. Levantry?

A. He was assistant manager I guess at that time, probably district manager now.

Q. Yes.

A. Of course, we asked for Ohio Works rate, and we only got the Sheet and Tube rate.

MR. DAY: I object to that on the ground incompe-

tent, irrelevant and immaterial; it has no bearing on any issue in this case.

TRIAL EXAMINER LINDSAY: The objection overruled, let the record show an exception.

Q. (By Mr. Lauter) Go ahead.

A. We asked for the Ohio Works rate.

Q. By "Ohio Works rate" you are referring to the Carnegie-Illinois plan?

A. Yes.

Q. Go ahead.

A. We finally got an adjustment to the Sheet and Tube level.

Q. Will you state what conversation took place? Which resulted in your finally getting the Sheet and Tube and not getting the Ohio rate?

A. Mr. Levantry said—

MR. DAY: Note the same objection.

TRIAL EXAMINER LINDSAY: The same ruling. Objection is overruled. Let the record show an exception.

A. As long as they were meeting the Sheet and Tube level they were meeting the valley rate, it wasn't necessary that they should have to pay a higher rate in the valley.

Q. Do you know whether or not any explanation was made to employees representatives under the Ohio Works Plan with respect to the character of the wages they were to receive as brick-layers?

MR. DAY: Object to that.

TRIAL EXAMINER LINDSAY: I just don't get the connection there.

(The last question was read by the Reporter.)

TRIAL EXAMINER LINDSAY: Off the record.

TRIAL EXAMINER LINDSAY: What plan are you referring to?

MR. LAUTER: Referring to conversation had between Mr. Goest and their representatives, representing

under the Ohio Works Plan, the compensation which he was to get.

TRIAL EXAMINER LINDSAY: That is part of the Republic Steel?

MR. LAUTER: No part of the Republic Steel.

MR. DAY: No, Carnegie.

TRIAL EXAMINER LINDSAY: I will sustain that objection.

Q. (By Mr. Lauter) I hand you Board's Exhibit No. 62 for identification and ask you whether or not they are minutes of the regular meeting of the General Body, of February 5, 1937?

A. Yes.

Q. They are?

A. Yes.

Q. I hand you Board's Exhibit No. 64 for identification, and ask you whether or not they are minutes of the special meeting of the General Body March 5, 1937?

A. Yes, sir.

Q. I hand you Board's Exhibit No. 63 for identification, and ask you whether or not they are minutes of the special meeting of the General Body on February 26, 1937?

A. Yes, sir.

Q. Are Board's Exhibit 62 for identification, 63 for identification, and 64 for identification, copies of minutes which you personally received?

A. Yes, sir.

MR. LAUTER: I offer in evidence, as Board's Exhibit 62, 63, 64.

MR. DAY: We object to exhibit No. 62; on the ground it is incompetent, irrelevant and immaterial and has no relation to any issue here involved, or any charge presented in the complaint.

TRIAL EXAMINER LINDSAY: The objection to Board's Exhibit 62 is overruled, and let the record show an exception, and Board's Exhibit 62 is received in evi-

dence. Are there any objections to 63 and 64?

MR. DAY: Yes, the same ground.

TRIAL EXAMINER LINDSAY: All obje are overruled to 63 and 64 and let the record sh exception. Board's Exhibit 63 and 64 are receiv evidence.

(The documents previously marked for iden tion as Board's Exhibits Nos. 62, 63 and 64 we ceived in evidence.)

MR. LAUTER: May I note for the record t am offering these last three exhibits without the notations made by my worthy associate, Mr. Hosk

TRIAL EXAMINER LINDSAY: Yes.

MR. LAUTER: The offer is being made wi those.

(The document was thereupon marked for id cation as Board's Exhibit No. 65.)

Q. (By Mr. Lauter) I hand you Board's Exhib 65 for identification, and ask you whether or not it minutes of a special meeting of the General Body of 15, 1937?

A. Yes, sir.

MR. DAY: Leave this off the record if you to.

MR. DAY: The exhibits were marked with cil mark.

MR. LAUTER: The record shows the offe made without the pencil notations.

TRIAL EXAMINER LINDSAY: If the rec states that the pencil notations on those exhibit not a part of the exhibits, then that covers it.

MR. DAY: Well, we would like to ask the Ex er to request counsel, in offering these exhibi erase pencil marks on it.

TRIAL EXAMINER LINDSAY: You are r ing to pencil marks on the side?

MR. DAY: Yes. They ought to be erased off; no part of the minutes.

MR. LAUTER: I think the record is perfectly clear.

TRIAL EXAMINER LINDSAY: Yes, it doesn't make any difference.

MR. DAY: Note an exception to the overruling of the request to strike—to erase the pencil marks on both exhibits.

Q. (By Mr. Lauter) Board's Exhibit No. 65 for identification is a copy of the minutes that you personally received, is that correct?

A. Yes.

MR. LAUTER: I offer in evidence Board's Exhibit 65.

MR. DAY: We object to this exhibit on the ground already stated with relation to the last three or four exhibits offered and received.

TRIAL EXAMINER LINDSAY: The objection is overruled. Board's Exhibit 65 is received in evidence.

(The document previously marked for identification as Board's Exhibit 65 was received in evidence.)

MR. LAUTER: May I call to your attention, Mr. Trial Examiner, the following passage in Board's Exhibit 65: "The General Body suggests and recommends the following: (1) a change of the plan whereby they would not be dominated by the management."

Q. (By Mr. Lauter) Now, you were elected a representative in 1935, is that correct?

A. Yes, '34, '35 and '36.

Q. In the election of 1935 to '36, was that election contested?

A. Yes, sir.

Q. Who ran against you?

A. I think Leszinsky, I think the name is.

Q. Was one of your opponents for election as representative Joseph O'Hara?

A. Yes, sir.

Q. At what election was that, if you recall?

A. That must have been 1935.

Q. 1935?

A. Yes.

Q. Will you describe the election of 1935, any special circumstances that attended that election?

A. Well, the contest was getting pretty hot, and some of the boys told me that I was going to lose out, that O'Hara was running around through the mill during working hours, getting votes.

MR. DAY: I move that be stricken out as hearsay; incompetent, irrelevant and immaterial and hasn't any bearing on any issue presented by the complaint and the answer.

TRIAL EXAMINER LINDSAY: Objection overruled. Let the record show an exception.

Q. Go ahead.

A. And he would have a chance to leave his job, they gave him permission to leave his job to go around among the men to solicit votes.

MR. DAY: The same objection, the same ground.

TRIAL EXAMINER LINDSAY: The same ruling.

MR. DAY: Exception.

Q. (By Mr. Lauter) Were you given permission to go around the plant to solicit votes?

A. No, I wasn't.

Q. Did you have any conversation with Mr. O'Hara after that?

A. Yes, he told me that.

Q. The election of 1935?

MR. DAY: Object to conversation with Mr. O'Hara.

MR. LAUTER: If you please, I would like to

finish the question before objection is made.

MR. DAY: All right.

Q. Did you have any conversation with Mr. O'Hara after the election of representatives in 1935, at which time you were elected representative?

A. Yes, sir.

TRIAL EXAMINER LINDSAY: There was one objection made by Mr. Day, I haven't ruled on. The objection is overruled. Let the record show an exception.

Q. (By Mr. Lauter) State what the conversation with Mr. O'Hara was?

A. Mr. O'Hara stated that he was gave permission to go around and solicit votes.

MR. DAY: I move to strike that out, incompetent, irrelevant, immaterial, no evidence connecting it with the respondent.

TRIAL EXAMINER LINDSAY: The motion is denied. Let the record show an exception.

Q. Did he state by whom he was given permission?

A. I guess the foreman.

Q. The foreman?

MR. DAY: The same objection.

TRIAL EXAMINER LINDSAY: Objection overruled. Let the record show an exception.

Q. Have you attended any of the annual conferences provided for in the by-laws?

A. Yes, sir.

Q. What is an annual conference that takes place?

A. Well, it is supposed to be a general meeting of all the representatives, the employees representatives and the management representatives.

Q. And is there a banquet given in connection with the annual conference?

A. Yes, as a rule.

Q. You have already testified that was paid for by the company, is that correct?

A. Yes, sir.

Q. What, of a business nature, under the plan, was considered at the annual conference?

A. Well, they generally make amendments to the constitution—try to.

Q. At the annual conferences you attended, were any amendments made to the constitution?

A. Yes, the first one I think there was.

Q. Were there any amendments made to it in subsequent annual conferences that you attended?

A. I just don't remember. I don't think.

Q. Do you know whether or not there were an equal number of votes for the management and for employees at the annual conference?

A. I think so.

Q. So that a tie vote might quite effectively stop any amendments thereto?

MR. DAY: Object to the form of the question.

MR. LAUTER: I will change the form. Withdraw the question.

Q. (By Mr. Lauter) How many employees representatives were there, and management representatives, at the annual conference?

A. I couldn't say, I didn't count.

Q. Didn't know? Do you know whether or not they were in equal number?

A. No, I couldn't say.

Q. Were you a member of the No. 2 committee at all times while you were a representative?

A. Yes, sir.

Q. At any time were you removed as member of the committee?

A. Yes, sir.

Q. Describe the circumstances and when it took place.

A. I think it took place in the meeting of November, 1936.

Q. Will you please state what took place.

A. Well, it was a meeting of the General Body Meeting, and the motion was made that the chairman, Mart Murphy, change the No. 2—change all of the committees.

TRIAL EXAMINER LINDSAY: Would you gentlemen like a five minute recess?

MR. LAUTER: I would just as soon continue on and finish up with this witness.

A. And of course the motion was seconded and carried, and that gave the chairman the permission to change the committees.

Q. Will you describe what happened after that?

A. And when the committees were changed, I was taken off of No. 2 committee.

Q. Did you say anything about the fact that you were taken off No. 2 committee?

A. Sir?

Q. Did you say anything about the fact that you were taken off?

A. I talked to Mart about it.

Q. What did he say?

A. He said—

MR. DAY: I object to this conversation.

A. He replaced me—

TRIAL EXAMINER LINDSAY: Objection overruled and let the record show an exception.

A. He said he had replaced me with no thought of injuring my feelings, just to place another man on, the man that wanted a change.

Q. Did you say anything to Mr. Murphy?

A. Oh, yes, I told Mr. Murphy I didn't think he did it in the interests of the men and the mill.

Q. Why didn't you think it was in the interests of the men and the mill?

MR. DAY: Objection.

TRIAL EXAMINER LINDSAY: Overruled: Let the record show an exception.

A. Because I tried to do the best for the men that I could.

Q. What happened after that?

A. Well, then at the next meeting why we argued it out on the floor and I made a motion that the committees would remain as they were appointed in the first place, and that motion carried, so they replaced us back on the committees.

(The documents were thereupon marked for identification as Board's Exhibits Nos. 66, 67, 68, and 69.)

Q. I hand you Board's Exhibit 66 for identification and ask you whether or not they were the minutes of a regular meeting of the General Body March 25, 1937?

A. Yes, sir.

Q. I hand you Board's Exhibit 67 for identification and ask you whether or not they were minutes of a special meeting of the General Body of April 19, 1937?

A. Yes.

Q. I hand you Board's Exhibit 68 for identification and ask you whether or not they are the minutes of the meeting of the employee representatives of the Central Council, Northern Steel plants?

A. Yes, sir.

Q. I hand you Board's Exhibit No. 69 for identification and ask you whether or not they are the minutes of a special meeting dated March 18, 1937, Republic Steel Corporation, Cleveland, Ohio, Joint Committee of the representatives of the Northern Steel plants and their subsidiaries?

A. Yes, sir.

Q. Now, are the last four named Board's Exhibits for identification copies of minutes which you personally received?

A. Yes, sir.

MR. LAUTER: I offer in evidence as Board's Exhibits 66, 67, 68 and 69. I wish the record to show

that I am offering these last named exhibits without the pencil notations on said exhibits.

MR. DAY: I would like to make the same objection to each of these exhibits as we made to other exhibits of minutes recently received.

TRIAL EXAMINER LINDSAY: The same as you made to exhibits 62 and 63 and so forth?

MR. DAY: Yes.

TRIAL EXAMINER LINDSAY: Objection overruled. Let the record show an exception. Exhibit Nos. 66, 67, 68 and 69 are received in evidence.

(The documents previously marked for identification as Board's Exhibits 66, 67, 68 and 69 were received in evidence.)

BY MR. LAUTER:

Q. Now, I call your attention, Mr. Goest, to a statement contained in Board's Exhibit 66: "Chairman Murphy and John Goest attended meeting at Cleveland March 18 when the management announced that policy concerning the following items."

MR. DAY: May I ask a question? Did this man attend these meetings himself?

MR. LAUTER: That is right. As a matter of fact, that is my next question.

Q. Did you attend meetings at Cleveland?

A. Yes, sir.

Q. Will you describe how you knew for the first time there were going to be meetings in Cleveland?

A. Well, Mr. Elliott came into our General Cap Body meeting.

Q. Who is Mr. Elliott?

A. He was district manager.

Q. Of the Youngstown plant?

A. Yes, sir.

Q. Youngstown area?

A. Yes, sir.

Q. Go ahead.

A. And he explained there was two men being sent from each one of the several units, and asked that the Youngstown district furnish two delegates to attend that meeting in Cleveland. It was supposed to be for wages and discussing a vacation plan.

Q. Yes.

A. So we asked for an election for those two delegates and I happened to be one of the men elected and Mart Murphy was the other.

Q. You both went to the meeting?

A. We both attended.

Q. How did you go there?

A. Went on the train.

Q. Were expenses paid?

A. Yes.

Q. By the company?

A. Yes, sir.

Q. All expenses paid while you were in Cleveland?

A. Yes, sir.

Q. I call your attention to Board's Exhibit 69, a statement contained therein: "At this point a motion was made and seconded that all of the representatives of both steel and subsidiaries back the management in opposition to all outside labor organizations, and this motion was carried unanimously."

A. Yes, sir.

Q. Was that motion made while you were present?

A. Yes, sir.

Q. You were at the meeting at which that took place?

A. Yes, sir.

Q. Will you describe what took place at the first meeting you attended in Cleveland? When and where it was held, who was present, what time it took place?

A. It was held in the Republic Building, Cleveland, Ohio, and there was, I think, some eighteen members of the different units, employees representatives, and then there

was some of the management, I couldn't just name them. Mr. Levantry was there, Mr. McCoy, Mr. Voss.

Q. Other officials of the Republic Steel Corporation were present?

A. Mr. White. Yes, sir.

Q. How long did those meetings last?

A. Well, we left here on the morning train and it lasted all day. Then they were held over until the next day. That was the first meeting, held over into the second day.

Q. And did you attend any of the meetings in Cleveland, apart from the first one you went to?

A. Yes, sir.

Q. What happened at those meetings?

A. Well, the next meeting I think was called to revise the representative plan to conform to the Wagner Act.

Q. Will you describe what took place at that meeting?

MR. DAY: We object to his characterization of the meeting and move that be stricken out. That would be just his own conclusion, as to why it was called.

TRIAL EXAMINER LINDSAY: Objection overruled. Let the record show an exception.

MR. DAY: Exception.

A. So of course we went to the meeting and we took along with us those little blue books.

Q. Are you referring to the by-laws?

A. By-laws.

Q. And the employee representation plan?

A. Yes, sir.

Q. You had a copy when you went to the Cleveland meeting?

A. Yes, sir.

Q. Did other representatives have copies of their by-laws?

A. Yes, sir.

Q. What did you do with the by-laws, at the time?

A. We just read through them, and the ones that we

thought contained the best—that would get the workingman the most, that is what they dictated into the new plan.

TRIAL EXAMINER LINDSAY: Off the record.

(There was a discussion off the record.)

(Thereupon the document referred to was marked for identification as Board's Exhibit 70.)

BY MR. LAUTER:

Q. I hand you here Board's Exhibit No. 70 for identification, and ask you whether this is the proposed revision of the plan of employee representation which you worked on at the Cleveland meeting?

A. (Witness examines exhibit) Yes.

Q. Is that your personal copy?

A. Yes.

Q. Are the personal notations on Board's Exhibit 70, for identification, pencil revisions which you personally inserted?

A. Yes.

MR. LAUTER: I offer it in evidence as Board's Exhibit No. 70 (handing to counsel).

(Counsel for the Respondent examines exhibit.)

MR. DAY: We object to it on the same grounds that we have made the subject of objection to other exhibits recently offered and received.

TRIAL EXAMINER LINDSAY: The objection is overruled. Let the record show an exception, and Board's Exhibit No. 70 is received in evidence.

(Exception by Respondent.)

(The document previously marked for identification as Board's Exhibit No. 70 was received in evidence.)

BY MR. LAUTER:

Q. From whom did you receive Board's Exhibit No. 70, Mr. Guest?

A. It came through the mail in the same way, I think.

Q. It came through the mail?
A. Yes.
Q. To you?
A. Yes.
Q. Do you know whether or not it came as is stated here on the letter of transmittal?
A. Yes, it came from Buffalo, special delivery.
Q. Came from Mr. O'Connell?
A. Yes, special delivery.
Q. Who is he?
A. I think he was the Secretary of the Council that met up there.
Q. The Central Council?
A. Yes, Central Council.
Q. Was there a discussion about the C. I. O. at this Cleveland meeting?
A. Where?
Q. Was there a discussion about the C. I. O. at this Cleveland meeting?
A. Yes, it was discussed.
Q. And what did they say?

MR. DAY: I object.

TRIAL EXAMINER LINDSAY: The objection is overruled.

MR. DAY: Let the record show I object on the ground that the—

THE WITNESS: Well, they pointed out—

MR. DAY: Wait a moment.

—that there is no evidence that the meeting was attended by any officer of the Respondent, and that anything that was said was said with the knowledge or consent or authority of the Respondent.

MR. LAUTER: May I say something.

TRIAL EXAMINER LINDSAY: Yes.

MR. LAUTER: There is testimony already that Mr. Voss, Director of Industrial Relations, Mr. White,

a Vice-President of the Company, and a number of other officers were present at these Cleveland meetings at one time or another.

TRIAL EXAMINER LINDSAY: The objection is overruled.

MR. DAY: Let the record show that there is no evidence that they were present at this particular meeting.

TRIAL EXAMINER LINDSAY: What is that?

MR. DAY: There is no evidence that they were present at the time of this discussion that this witness is being asked to detail, at the time that it took place.

TRIAL EXAMINER LINDSAY: The objection is overruled. Let the record show an exception for the Respondent.

(Exception for Respondent.)

BY MR. LAUTER:

Q. Mr. Guest, do you know whether any officials of the Republic were present at the Cleveland meeting that you are now referring to?

A. Yes.

Q. Who were the officials that were present?

A. Mr. White.

Q. Is he Vice-President of the Company?

A. Yes, sir.

Q. How many meetings did you attend in Cleveland?

A. I think it was four. I am not positive, three or four.

Q. Do you know whether or not any other meetings were held in Cleveland?

A. Yes.

Q. In addition to the four which you attended?

A. Yes, there was a meeting held afterwards that I did not attend.

Q. How did it happen that you did not attend the last meeting that you are referring to just now?

A. Well, I couldn't say, but there was someone else taken up there in my place.

Q. Who was taken in your place?

A. Mr. Hughes, I believe.

Q. Now, was any explanation ever made to you by anyone about why Mr. Hughes was taken instead of you?

A. No.

Q. Were you not one of the delegates that was elected to go?

A. Yes, I was elected to go.

Q. How does it happen that you did not go to the last meeting?

A. I couldn't say any further than I have stated. I was not notified there was a meeting going on, but I learned afterwards from Mr. Hughes that he attended the meeting.

Q. Who generally told you that there were going to be meetings in Cleveland?

A. Well, we generally were notified either by phone, or a written notice.

Q. Did Mart Murphy ever notify you?

A. Yes.

Q. He did not notify you of the last meeting?

A. No, not this time.

Q. Instead took Mr. Hughes?

A. Yes.

Q. I asked you before what was said at the previous meeting about which you were testifying, with respect to the C. I. O.

MR. DAY: I object.

A. They just talked the advantages of the representative plan.

TRIAL EXAMINER LINDSAY: The objection is overruled. Let the record show an exception for the Respondent.

(Exception by Respondent.)

BY MR. LAUTER:

Q. Repeat your answer.

A. They just pointed out the advantage of the representative plan over that of the C. I. O.

Q. Now, following the meeting of March 15, 1937, and subsequent to the meetings of the Central Council in Cleveland, were you ever instructed to go back among the men to inquire about how they felt about the plan?

A. Yes, sir.

Q. What did you do about that?

MR. DAY: Well now, who instructed him?

BY MR. LAUTER:

Q. Who instructed you? Or what was the instruction?

A. Well, we were holding a meeting, and Mr. Chairman—the Chairman, Mr. Murphy, told us—

Q. What did you do?

A. —to go out among the men and find out how they felt on the representative plan.

Q. Did you go out among the men?

A. Yes, I worked eight hours.

Q. Did you get paid for those eight hours?

A. Yes, sir.

Q. At the time you went out among the men to find out how they felt about the employees' representative plan, were you given any copies of Board's Exhibit No. 55 (showing paper to witness)?

A. Yes, sir.

Q. Will you describe what conversation there was, if any, at the time you were handed these membership cards?

MR. DAY: With whom?

BY MR. LAUTER:

Q. And also by whom the conversation was, and where?

A. Well, we were just asked to try and interest the men in that, to accept—

Q. Who told you that?

A. The Chairman.

Q. Mr. Murphy?

A. Yes, sir.

Q. And he told you this at a meeting of the general body?

A. Yes, sir.

Q. How many cards did you get?

A. Thirty-three.

Q. How does it happen that you only got thirty-three?

A. Well, that was all they had.

Q. How?

A. That is, that was all that was allotted to the department.

Q. Was any explanation made of the fact that you only got thirty-three?

A. Well, it was they were financing the thing themselves.

Q. You say financing the thing themselves. Where did the funds come from to print those cards, do you know?

A. Yes, I can tell you. There was $12.71 in the treasury, I believe, from a stag party.

Q. Yes.

A. It was a special fund—I don't think they had any special—it was just a special fund they had from a stag party.

Q. And as a result of that stag party they collected $12.71?

A. $12.71, profits.

Q. And they had the cards printed from the funds of that party?

A. Yes.

Q. There were more men worked in your department than thirty-three, is that correct?

A. Yes, sir.

Q. You went around the plant for eight hours trying to get men to sign up?

A. No, that's a mistake.

Q. What did you do?

A. I just went around for the eight hours inquiring how the men felt and keeping the old representative plan.

Q. I see.

A. And this was another occasion when I was handed the yellow cards.

Q. It was another occasion when you were handed the yellow cards?

A. I never spent no time of my own or of the Company's, not with the yellow cards.

Q. I see. Do you know whether or not those were taken around the plant?

A. Yes.

Q. You saw them?

A. Yes, sir.

Q. Do you recall a so-called Mayor's petition?

A. Yes, sir.

Q. Describe what it was.

MR. DAY: We object to that on the ground it is improper, irrelevant and immaterial, and has no bearing on any issue presented in this case.

TRIAL EXAMINER LINDSAY: The objection is overruled. Let the record show an exception for the Respondent.)

(Exception on behalf of the Respondent.)

A. The first I heard of the petition to the Mayor, I was called at my home. I was off that day, and I was notified there was a petition down in the office waiting on me, and I asked their clerk that called me on the phone to read it to me. So he read it off, and I said: "Can't it go until tomorrow? I will be working tomorrow," I said.

He said: "No, we are in a hurry to get it signed."

Q. Who was the clerk that called you?

A. Mr. Sweeney.

Q. Was that the clerk of the electric department?

A. Yes.

Q. Go ahead.

A. He said, "Well, if you don't want to take it around, if you will designate someone else, why, we will give it to him."

So I asked him to read it to me, and he read it to me, and after I heard of it on the phone, I thought I would go down and handle it myself.

So I went down and read it myself, and looked at it, and I went around the plant with it, in my department, on my own time. The Company didn't pay me.

Q. Did you have any objection to the language in the petition?

A. Yes, there was one part I objected to.

MR. DAY: I object to the question on the ground it is incompetent, irrelevant and immaterial, whether the witness had any objection to it himself or not.

MR. LAUTER: I will withdraw the question.

TRIAL EXAMINER LINDSAY: Well, I think—

MR. LAUTER: I say, I will withdraw the question.

BY MR. LAUTER:

Q. What was the language of the petition, do you recall?

A. Well, I just can't recall the wording of it, but there was parts of it, as far as not wanting to strike, and continuing with our work, I was in accord—but there was a part in there that said we were satisfied with our present conditions, that was the part that I did not agree with.

MR. DAY: I move that last be stricken out on the ground it is immaterial whether he did or did not agree with it.

TRIAL EXAMINER LINDSAY: The objection is overruled. Let the record show an exception for the Respondent.

(Exception by Respondent.)

BY MR. LAUTER:

Q. What was the reason that you left your home on a day when you were not working to go down to the plant?

A. Well, I was the representative and I—the boys had stuck by me for the three years, and I thought I would go down there and handle that complaint—or that petition

—myself, and I would get a better understanding on what was going on.

Q. Did Mr. Leventry ever address a meeting some time in May, 1937, at which you were present?

A. Yes, I heard Mr. Leventry at several meetings.

Q. Will you describe what happened at these meetings at which Mr. Leventry was present—

MR. DAY: Fix the time.

BY MR. LAUTER:

Q. And fix the time as closely as you can, where it was, and the time of day.

A. Well, I have heard Mr. Leventry discuss wages with us, and on several occasions, other things.

I don't know of any special occasion.

Q. Did he ever discuss with you the Independent Federation of Public Employees, at any meeting at which you were present?

A. No.

Q. Do you recall a meeting some time in May, 1937, at which he spoke?

A. He was at several meetings.

Q. With the representatives of the plant?

A. He was at several meetings in May.

Q. Do you recall the evening that the C. I. O. met to put a strike vote?

A. Yes, sir.

Q. Was there a meeting on the E. R. P. on that same night?

A. Yes.

Q. Did Mr. Leventry speak at that meeting?

A. I believe he did.

Q. Will you tell us what he said, in substance, at that time?

A. Well now, I think the way it came about that Mr. Leventry—there was a motion made to invite Mr. Leventry to that meeting. After the meeting was well under way there was some discussion arose that they thought Mr.

Leventry could be called in, and there was a motion made and seconded, and carried, to invite Mr. Leventry to come over and speak to us.

Q. Did he come?

A. Yes.

Q. Well, tell me what he said.

A. Well, I think the discussion was that—on the floor, they had argued it out—that the time was ripe now that they would have to do something to prevent the strike, and they had an idea if they could get out in the plant among the men that they could prevent the strike, that is, if the representatives would be allowed permission to go out in the plant among the men on that turn, starting right there at 10 o'clock, that it may prevent the strike. And I think that was what Mr. Leventry was called into the meeting for.

Q. Did the representatives vote to circulate through the plant?

A. Yes, sir.

Q. And did they?

A. I think they did. I didn't—I went home.

Q. Did you return to work the next day?

A. I returned to work the next morning.

Q. Did you discuss with any of the representatives whether or not they did circulate through the plant?

A. I actually saw some of them when I was going in, some of the men that was at the meeting the night before, but I can't say whether they had been at the plant all night, I didn't inquire, I didn't bother. I just saw them still going around with the yellow cards.

Q. Did they tell you whether or not production was stopped when they spoke?

MR. DAY: I object to that.

A. I think it was.

Q. The last question was whether or not they told you whether production was stopped when they spoke in the various departments throughout the plant?

A. No.

Q. Did they tell you?

A. No, they didn't tell me.

TRIAL EXAMINER LINDSAY: Do you withdraw that objection Mr. Day?

MR. DAY: Yes.

BY MR. LAUTER:

Q. Handing you Board's Exhibit Nos. 71 and 72, for identification, and I will ask you whether or not these are Republic bulletins of the Republic Steel Corporation, and subsidiaries, dated April, 1935, and April, 1936, respectively, and I ask you to state whether you received them personally, and when?

A. Yes, I received those, I think, at the other convention—at the convention.

Q. At the annual conferences held under the plan?

A. Yes, sir.

Q. These are your personal copies?

A. Yes.

Q. Is that correct?

A. Yes.

MR. LAUTER: I offer these in evidence as Board's Exhibits 71 and 72.

MR. DAY: We object on the ground that they are incompetent, irrelevant and immaterial, and have no bearing on any issue presented in this hearing.

TRIAL EXAMINER LINDSAY: May I see those?

MR. LAUTER: Certainly (handing papers to the Trial Examiner).

TRIAL EXAMINER LINDSAY: The objection is overruled.

Let the record show an exception, and Board's Exhibits Nos. 71 and 72 are received in evidence.

(Exception by Respondent.)

(The documents above referred to were thereupon

marked and received in evidence as Board's Exhibits Nos. 71 and 72.)

BY MR. LAUTER:

Q. I hand you Board's Exhibit No. 73, and ask you whether or not that is a program of the annual conference under the plan of employee representation for the Republic Steel Corporation, Youngstown District, April 7, 1936 (indicating)?

A. Yes, sir.

Q. (Indicating) I hand you Board's Exhibit No. 74 for identification, and ask you whether or not it is a statement enumerating the cases, delegates that should come to the Central Council, and also the number of such delegates which each case was entitled to?

A. Yes, sir.

MR. LAUTER: I offer these in evidence as Board's Exhibits Nos. 73 and 74.

MR. DAY: I make the objection on the same grounds as we introduced to the last two exhibits.

TRIAL EXAMINER LINDSAY: The objection is overruled. Let the record show an exception for the Respondent.

(Exception by Respondent.)

TRIAL EXAMINER LINDSAY: Board's Exhibits Nos. 73 and 74 are received in evidence.

(The documents above referred to were thereupon marked and received in evidence as Board's Exhibits Nos. 73 and 74.)

TRIAL EXAMINER LINDSAY: Are you through with this witness?

MR. LAUTER: Just a few more questions.

BY MR. LAUTER:

Q. I hand you Board's Exhibit No. 75 for identification, and ask you whether or not this is a notice which you received from R. N. McCoy, concerning the first annual conference of employee representatives?

A. Yes, sir.

MR. LAUTER: I offer in evidence this paper as Board's Exhibit No. 75.

MR. DAY: We object on the same grounds as were stated in our objection to Board's Exhibits Nos. 74, 73 and 72—the other exhibits.

TRIAL EXAMINER LINDSAY: The objection is overruled. The record may show an exception for the Respondent. Board's Exhibit No. 75 is received in evidence.

(Exception on behalf of the Respondent.)

(The document above referred to was thereupon marked and received in evidence as Board's Exhibit No. 75.)

BY MR. LAUTER:

Q. Do you recall a meeting on May 19, 1937, in the old office building of the Republic Steel Corporation?

A. Yes, sir.

Q. Did you attend that meeting?

A. Yes, I think I did.

Q. Was Mr. Mart Murphy present?

A. Yes, sir.

Q. Was he Chairman under the employees' representation plan?

A. Yes, sir.

Q. Did he speak at that meeting?

A. Yes.

Q. Please state what was said.

MR. DAY: I object unless there was some officer of the Respondent there at that time.

TRIAL EXAMINER LINDSAY: The objection is overruled. Let the record show an exception for the Respondent.

(Exception on behalf of the Respondent.)

BY MR. LAUTER:

Q. Well, go ahead.

A. It is pretty hard to recall what he said.

Q. Now, just state the substance, in a general way, what he said.

A. He spoke thoroughly on the representation plan being better than the C. I. O., in most of his talks.

Q. How did you get notice of that meeting?

A. I think there was a bulletin posted on a board, I think that's where it was. There was a bulletin board,—a notice posted.

Q. Who was Mr. Johnson?

A. He is the superintendent of the masonry department.

Q. Is that superintendent of the department you are working in?

A. Yes, sir.

Q. Did he tell you about the meeting?

A. No, he didn't tell me.

Q. Did he tell any of the other bricklayers about that meeting?

A. Yes, he helped some of the other fellows to attend.

Q. To attend this meeting?

A. Yes.

Q. It was held on May 19?

A. 1937, yes.

Q. In the Republic Office Building, is that correct?

A. Yes.

Q. And will you tell what took place with respect to the Independent Federation of Employees, if anything?

MR. DAY: I object.

A. Is that the meeting that Mr. Smith was elected at?

BY MR. LAUTER:

Q. A meeting at which Mr. Smith was elected.

A. Well, Mr. Chairman—

MR. DAY: We object to this.

THE WITNESS: Chairman Murphy opened—

MR. DAY: Wait a moment.

TRIAL EXAMINER LINDSAY: Wait just a moment.

MR. DAY: Unless you claim there was somebody there with authority to represent the Respondent, or something of that kind.

MR. LAUTER: If it please the Trial Examiner, this is a meeting held on Company property, and the persons who attend it are employees of the Republic Steel Corporation given notice by a foreman, either through special messenger delivered to them or by posters which were posted on this property.

I think that is sufficient basis for introducing evidence.

TRIAL EXAMINER LINDSAY: Yes, the objection is overruled. Let the record show an exception.

(Exception on behalf of the Respondent.)

BY MR. LAUTER:

Q. As to the officers of the Republic, were any officers of the Employees Federation elected at that meeting?

A. Yes, sir.

Q. Was Mr. J. L. Smith elected Chairman?

A. Yes, sir.

Q. And there were several other officers elected?

A. Yes, sir.

Q. How long did that meeting last?

A. Just a couple of hours, I guess.

Q. Approximately how many people were there?

A. I would say around 300, 350.

Q. What time of day did that take place?

A. Eight o'clock that night.

Q. Did Mr. Murphy speak?

A. Yes, sir.

Q. What did he say?

MR. DAY: I object on the same ground that I have already stated.

TRIAL EXAMINER LINDSAY: The objection is overruled. Let the record show an exception for the

Respondent.

(Exception on behalf of the Respondent.)

A. Well, he told us the purpose of the meeting was to form this new federation, employees federation, but that wouldn't have nothing to do with the bargaining, but that would be to back up the present representative plan, and he asked that any member of the representative plan not to run for any office in this new organization that were electing officers for—

Q. Any mention made of the C. I. O.?

A. Well, I guess there was talk of the C. I. O.

Q. What did he say about the C. I. O.?

A. Well, I guess probably thought that we could get along better with our own representation, that "if you look back into the coal fields of Pennsylvania, and see the shacks and hovels that the miners are living in that you won't want nothing to do with John L. Lewis, or his crowd."

Q. What else was said by Mr. Murphy?

A. Well, that practically summed up the whole thing. It was just a routine of one thing after the other.

Q. He spoke against the C. I. O. at that meeting?

A. Yes.

MR. DAY: I object to whether he spoke against it.

BY MR. LAUTER:

Q. Did he speak against the C. I. O. at that meeting?

A. Yes, sir.

Q. Who else spoke at that meeting?

A. I think Mr. McBride.

Q. Who is he?

A. I don't know what he does down there.

Q. Is he an employee of the Republic Steel Corporation?

A. Yes.

Q. What did he have to say?

MR. DAY: Same objection and for the same reasons.

TRIAL EXAMINER LINDSAY: The objection is overruled. Let the record show an exception for the Respondent.

(Exception by Respondent.)

BY MR. LAUTER:

Q. Go ahead.

A. He quoted from a pamphlet that he had in his hand, which was afterwards passed out, copies of it were passed out among the men present there, and I think it was a pamphlet that has "C. I. O." across the front, or something to that effect.

Q. What did he have to say?

A. Well, he just went on to say that some of the officers of the C. I. O. were Communists and in the employ of the International of Russia, and a lot of other stuff like that.

Q. Did anybody else speak?

A. I just don't recollect anybody else.

Q. (Indicating) I hand you Board's Exhibit No. 76 for identification, and ask you whether or not that is a copy of a pamphlet that was passed out on the meeting at May 19 that you have just been testifying about?

A. Yes.

MR. LAUTER: I offer it in evidence as Board's Exhibit No. 76.

MR. DAY: We object on the ground that it is incompetent and irrelevant and immaterial, and there is no evidence connecting it with the Respondents in any way, and it has no bearing on any issue involved in this hearing.

TRIAL EXAMINER LINDSAY: May I see that?

(Mr. Day hands exhibit to the Trial Examiner.)

TRIAL EXAMINER LINDSAY: The objection is overruled. Let the record show an exception on behalf of the Respondent. Board's Exhibit No. 76 is received in evidence.

(Exception by Respondent.)

(The document above referred to was marked and received in evidence as Board's Exhibit No. 76.)

MR. LAUTER: That is all for this witness.

MR. DAY: Off the record.

TRIAL EXAMINER LINDSAY: Off the record.

(There was a discussion off the record.)

TRIAL EXAMINER LINDSAY: All right, you may proceed.

Cross Examination

MR. DAY:

Q. Mr. Goest, this last meeting that you were telling out, when there was a speech made by a Mr. McBride, d Mr. Murphy, that was a meeting of the men that rked there?

A. Yes.

Q. In the plant, was it not?

A. Yes, as far as I know.

Q. There was nobody there around the company's of-ers, at that time?

A. Not that I saw.

Q. No?

A. I didn't see any.

Q. About how many men were there?

A. Well, within the building, I would say around 300, d there was quite a few outside.

Q. And there was a discussion of some new organiza-n, or something of that kind?

A. Yes, sir.

Q. Then supposedly, so far as you know by the men mselves—

MR. LAUTER: I object to the form of the question.

MR. DAY: Why, it is cross-examination.

MR. LAUTER: I object to the form of the ques-

tion whether it was supposedly by the men calls for a conclusion.

MR. DAY: You can call for a conclusion in cross-examination if you want to.

MR. LAUTER: I just want a ruling on my objection; that is all I am asking for.

TRIAL EXAMINER LINDSAY: I will overrule the objection; let the record show an exception.

(Exception by Respondent.)

BY MR. DAY:

Q. You also told about a meeting that I think was held in May about the time that the C. I. O. was going to have a strike vote; do you remember that?

A. Yes, sir.

Q. And at that meeting I understood you to say that some of the men present felt that they thought that you might hold off a strike if they ever got a chance to talk or circulate around among the men, is that right?

A. Yes.

Q. That was a meeting of what body?

A. Well, it was a general body, mainly of the representatives.

Q. About how many were present at that time?

A. Well, just the representatives were there, but there were 31.

Q. And the representatives were the men who were elected by the employees, were they not?

A. Yes, sir.

Q. Elected in the manner that you have told us about?

A. Yes, sir.

Q. And somebody suggested that Mr. Leventry come over, and he came over?

A. Yes, sir.

Q. You were asked something about money spent for a banquet. Now, how often did the general body attend a dinner or—a dinner?

A. Just once a year.

Q. Once a year?

A. Yes.

Q. Where was that held?

A. Well, there was—I think the two I attended to, was out in the Youngstown Club, and one in the Tod Hotel, I think.

Q. Were some of the officers of the company there?

A. Yes, sir.

Q. Once a year then you were there?

A. Yes.

Q. There were about three, while you were on the Board?

A. Yes, that—

Q. Is that right?

A. Yes, sir.

Q. And you men were not charged anything for that?

A. No.

Q. You were asked about pay for time lost when you attended meetings of this general body. How were you paid?

A. I was paid from the time I left my job until the meeting was over.

Q. Were you paid just the same as you would have been if you had been on the job?

A. The same hourly rate.

Q. That is, you got just the same money?

A. Just the same amount of money as if I had stayed on the job.

Q. As if you had stayed on the job?

A. Yes.

Q. I think you said something about the fact, this morning, that when elections were held that the work kept right on going, is that right?

A. In my department it did, and I guess that was all done in a lot of the departments, because it is very hard to shut them all down to vote.

Q. That is, the elections were so conducted that the work kept right on going in your department while the men were voting?

A. Yes.

Q. These minutes that you testified you received copies of,—a great many exhibits here—

A. Yes.

Q. They appeared to have been mimeographed?

A. Yes, I guess they were.

Q. Is it not a fact that the Secretary first put down the minutes of the meeting, and afterwards they were mimeographed by the Company, and then the copies sent out to the men?

A. I am sure I couldn't say.

Q. You were never Secretary yourself?

A. No, sir.

Q. Well, you had a Secretary, did you not?

A. Yes, sir.

Q. Did you see him there making notes and minutes?

A. Oh, yes, I saw him making pencil notes.

Q. Now, who was that Secretary?

A. Well, I worked there—well, there were several secretaries, Joe Smith was Secretary of the general body for 1936.

Q. Who was the Secretary of the Committee that you were a member of?

A. Ralph Mondora, I believe.

Q. You were asked about one election for a Chairman where you voted all day, and it was a tie?

A. Yes, sir.

Q. Do you know whether or not it is a fact that some of the company representatives were chairmen of some committees, and some of the men's representatives were chairmen of other committees?

A. I don't quite get the question.

Q. Well, do you know whether or not the chairmanship of these various committees was divided up so that

the company men were chairmen of some committees, and the men's men were chairmen of other committees?

A. Yes, I know that.

Q. That is a fact, is it not?

A. Yes.

Q. The method of handling grievances under the employee representative plan, as I understand it, was that the men could present a grievance to a committee, is that right?

A. Yes, sir.

Q. Was that this committee that you belong to?

A. Yes, sir.

Q. And that was called what?

A. No. 2.

Q. No. 2?

A. Yes.

Q. Was that kind of a grievance committee?

A. Grievance of wages and working conditions, working schedules.

Q. And if the men, or the representatives of the men wanted a raise in wages, or something of that kind, then the method to present that to the company, was to have it presented through this committee, was it not?

A. It was first handled by the superintendent, and then by the management's representative, and then it came back to us, to another committee.

Q. First it was handled by the—

A. Superintendent.

Q. —by the superintendent?

A. Superintendent of the department of the men that had the grievance.

Q. And then by the company representative?

A. Yes, sir.

Q. And then it came back to your committee?

A. The No. 2 committee.

Q. And then the representatives of the men on that committee would vote on it?

A. Yes, sir.

Q. And the representatives of the company would vote on it?

A. Yes, sir.

Q. And the voting on it was just a means of seeing whether the company would do it or would not do it, was it not?

A. Yes, sir.

Q. And it was just a means by which the men could ask the company to do it, was it not?

A. Yes.

Q. I notice that there is some exhibit here that shows a vote when you were elected to the general body. That was just a vote of the men in your department, was it not?

A. Yes, sir.

Q. And, as I understood you, there were nominations first, is that right?

A. Nominations are first.

Q. And the nominees were selected by the men?

A. Yes, sir.

Q. And then from the nominees the men selected the members, is that right?

A. Yes, sir.

Q. And you were selected by the men in your department for three years, or four years?

A. Three years.

Q. What was the date, as nearly as you can fix it, of this discussion about a petition to the Mayor? Fix it the best you can; I will not hold you to it exactly.

A. Well, it would be about along the last week, just a few days before the strike, along about the 22nd, it was on a Saturday.

Q. But it was before the strike was declared?

A. Yes, sir,—the petition I had reference to was before the strike was declared.

MR. DAY: I think that is all.

TRIAL EXAMINER LINDSAY: It is now 25

minutes to two, and we will adjourn until quarter to three.

(Whereupon, at 1:35 o'clock p. m., a recess was taken until 2:45 o'clock p. m. of the same day.)

AFTERNOON SESSION

TRIAL EXAMINER LINDSAY: The meeting is called to order.

MR. HOSKINS: I would like to state for the record that Mr. Walters is being recalled as a witness, having yielded the chair in order that Mr. Goest might testify. Mr. Goest being under a doctor's care.

EMIL WALTERS

a witness recalled by and on behalf of the National Labor Relations Board, and, having been previously duly sworn, testified as follows:

Direct Examination

BY MR. HOSKINS:

Q. Mr. Walters, at the time you yielded the chair to Mr. Goest, I believe you were telling us about this meeting to which you were called in the District office, I believe you had fixed the date of that meeting as about in the week before the strike; that you had stated the strike was on May 26th; you had told us about one or two of the gentlemen who spoke. I believe at the time you were telling the speech or remarks that were made by one gentleman whom you could not identify, but if I remember correctly, followed Mr. Cummings, is that right?

A. Yes, sir, that is right.

Q. Will you pick up the end there, as best you can remember, where you left off, and continue on with what this gentleman had to say?

A. Why, yes, this man that I don't—

MR. DAY: Well, we want the same objection

that we had before, to anything being said by this man, whom he has not even identified.

THE WITNESS: I don't recall the name of this man.

MR. HOSKINS: Just a moment.

TRIAL EXAMINER LINDSAY: The objection is overruled. Let the record show an exception.

A. I don't recall the name of this man, is the reason I can't identify him. He was introduced, the same as Mr. Cummings was, and he talked about the coal miners being —having dues raised on them, and he said the same thing would be done with us, we couldn't stop them. And he talked on the company representative plan and in fact practically the same thing that had been talked about in the previous meetings we have had, favored the company union.

In the meantime, I got up and asked if I could have something to say, and I was told to wait a minute, and as he went on and talked, I got up again and wanted to know if I could have something to say, and I was motioned down, so when he got through I got up again, see?

So this Mr. Smith at the desk, he says, "What is it you want to say?" I says, "Well, can I speak a few words on this subject of unionizing?" He says, "Why, yes, go ahead. Don't make it long, cut it short," he says. I says, "All right." So they let me speak. I told them that I belonged to the CIO, I had just joined it, I had only belonged to it about two weeks, and my reason for joining it, I thought it was the best organization, I didn't think the company representative plan was as good as this was, because it was outside, and the outside union not dominated by the company. And in regards to what Mr. Cummings had said, that we would be represented by strangers and men that would not understand our work. I wanted to correct that. And I asked what plan that Mr. Cummings wanted to impress on our men that that would be the case, because amongst our men that belonged to the union,

we would vote the majority rule, we would vote on the men to represent us in our grievances. Mr. Cummings wanted to impress the employees that they would be entire strangers to us, all would be strangers, nobody would know them. They would come in there not knowing our line of work, not knowing our grievances, what our grievances was about, that was representing us; in fact, he was condemning the outside union, he wanted to make that clear. These union men would vote the same as they were voted before in the representative plan, majority rule. If we voted on the men that was in favor of the order, in favor of the majority, were in favor of certain principles and changes, why that stood, that we would vote on men we wanted in our respective departments, and they would not be no total strangers come in to take up our grievances. I wanted to make that clear on them things. I said I couldn't understand all of this propaganda they were stirring up over this unionizing. I says "All we are doing is wanting to join a union that is an outside company, don't concern the company financially or anything, we would support it ourselves, that I didn't see why they should interfere and try to tell us to stick to this company union, and that they would raise our dues, all this and that—I couldn't understand why they interfered. Then they passed out a pamphlet also when they come to this meeting, one of the exhibits they had here.

Q. Just a moment, Mr. Walker, I show you Board's Exhibit No. 76, is that the pamphlet to which you refer?

A. That is the pamphlet.

Q. You say now they passed that out; will you explain that little bit more clearly?

A. Why, as we entered this office building there, the district office, why the man stood there at the door, the way he handed these pamphlets as we walked in, I got one of them and I looked it over, looked through it, didn't study it, but I just looked through it, looked at the heading of it, some of it, some of the pages, put it in my pocket.

Q. Was one of those given to each man that came to this meeting?

A. I would not swear to that. I know there was a man there handing it—he had it in his hand, he handed one to the fellows before me, I had taken one. When I sat down I noticed other fellows had them in their hands, looking at them. I don't know whether everybody got one or not. That is the pamphlet there. While I was talking I thought of this pamphlet stirring up all of this propaganda, I said this pamphlet was just propaganda, they do this every time anything good turns up for labor, ever since I can remember, since I have been big enough to work, every time anything had turned up looked good for labor, it was shouted down as communistic, it was absolutely good for nothing, wanted us to believe they weren't what would be good for us, all this and that.

MR. DAY: Is this a speech you are telling about?

THE WITNESS: Yes, I says "This is nothing but propaganda." I says, "They might just as well have Roosevelt's picture on there as John L. Lewis, because he is for labor." So I had my say, and while I was talking to them, I asked—Mr. Smith asked me several times, "Now, cut it short, cut it short." He wanted me to stop talking.

I said, "Labor has to organize, that is their only salvation," I says, "Everybody else is organized. Businessmen are organized, doctors and lawyers, manufacturers, chamber of commerce, they are all organized, have their orders. Labor don't holler and shout when they organize, to keep them from organizing, we don't see why they should shout when we want to organize. I gave them an instance about a farmer with some eggs coming into the store wanting to sell a couple baskets of eggs. He was on his way home and rather than take them home why he made another stop there at this store and he said he would like to unload them.

MR. DAY: I object. I object on the ground there

is no materiality to what this man said, at least it is certain detail, as he is now giving it—

TRIAL EXAMINER LINDSAY: Well, he is reciting a speech that he made. I think I will overrule your objection. Let the record show an exception.

A. (Continuing) I was just telling them what I was saying, my view on it was that we were organizing and we didn't want no interference, and that this farmer selling eggs, why the farmer said—the groceryman said to him, "I don't want to buy any more eggs," he says, "I believe I have enough on hand." And he says, "Well, I have to take that home." "Well," he says, "what will you take for them?" The farmer says, "Well, what will you give me for them?" At that time there was a sign on the window "Eggs Strictly Fresh, 38 cents a dozen." He said to the farmer "Well, I will give you sixteen cents for it." And with that the farmer looked down at the mouth—I wish I had had a little money, rather than let the groceryman get them for sixteen cents and then bill them for 38 cents, I would have bought them myself, if I had the money. So the farmer unloaded the eggs there. I gave them that instance of excess profit the businessman use in their dealings, we have no way of stopping that because we are just customers, we only deal there, we have to pay top price, they are in a position they can demand any kind of a—they can make a price and get it. I was just giving that as an instance why labor had to get organized, that was their only salvation, everybody else was organized. Then I quit talking.

Q. How long did you talk, do you know?

A. I don't know, I got started, they tried to stop me two or three times.

Q. About how long?

A. I would say about ten or fifteen minutes.

Q. Do you have any idea how long these other gentlemen had already talked?

A. Well, I guess they talked 15 to 20 minutes apiece.

Q. There were three of them had talked before you got the floor?

A. Two—Cummings and this other man that I don't remember his name.

Q. How about Mr. Smith?

A. Smith, well he just spoke briefly, he introduced these other speakers.

Q. What happened when you yielded the floor?

A. When I what?

Q. When you finished speaking, what happened next?

A. Well, then I went over and set down and as I walked over to sit down why there was a lot of commotion over to one side of the room and a fellow hollered, "Now I am glad that I took this job." He come over there and planked his fist down on the desk that was there, and he says, "I turned down this job."

Q. Who was this fellow, do you know?

A. Mart Murphy.

Q. Do you know what Mart Murphy does?

A. Why, he is the representative there at the head of the representative organization of the company.

Q. At Republic Steel?

A. Yes.

Q. All right then.

A. He says, "I turned down this job, was offered to me, but I turned it down." He says, "I didn't want it, but since I have heard this young man speaking, speaking on the wages and the dues being raised, that was all a lot of propaganda, I am glad I took this," he said, "the young man has been misinformed."

He says, "They will raise his dues, he will have to pay them, he can't stop them."

Then he went on to talk about the representative plan. He told about this pamphlet too. He says, "That is Roosevelt's picture. That is just as good as Roosevelt's picture," he says, "he is a Communist of the worst type and he should be run out of this country, him and his CIO." That

is just what he said. And I wanted to get up and the man sitting next to me, fellow by the name of Kilmar shoved me down, he says, "Sit down, you had your say, don't bring things out of order," but I wanted to call him for claiming Roosevelt a Communist, it hit me where I couldn't take it.

Then he went on, talked about the representative plan, also about coal miners, and one time he was on a strike in 1919 at Republic plant, and they didn't get nothing, and nobody else would get anything for going out on strike. He said, "You will be out of money" and so will he and he didn't see why we had a good cause to strike because they were paying good wages, the representative plan was all right and the only thing for us, and he didn't approve of strangers coming in and representing us, in fact he talked on the representative plan in general, then he wound up—and oh, before he wound up, he says, "You fellows that want to hold your job, sign these cards." One time in his speech he said. Another time in his speech he said, "You fellows that want to work, sign the cards," and there was two types of cards on the table. I stood right beside the table when I seen the cards, one was a yellow card handed to me, a regular machine shop—the other card was never handed to me, but it was right there right aside, of the yellow cards.

Q. Well, Mr. Walters, at this point I would like to show you Board's Exhibit No. 5. Is that the yellow card to which you make reference?

A. Yes, that is the yellow card.

Q. At the same time I would like to show you Board's Exhibit for identification 77, I ask you if that Board's Exhibit for identification No. 77, is similar to the other colored card you made reference to?

(The document referred to was thereupon marked for identification as Board's Exhibit No. 77.)

A. Yes.

MR. HOSKINS: I would like at this time to offer Board's Exhibit No. 77 into evidence.

MR. DAY: I want to object to this because it is incompetent, irrelevant and immaterial, has no bearing on any issue involved here.

TRIAL EXAMINER LINDSAY: Objection overruled, let the record show an exception. Board's Exhibit 77 is received in evidence.

(The document previously marked for identification as Board's Exhibit No. 77 was received in evidence.)

Q. Will you continue on with your recounting of what Mr. Murphy was saying?

A. Mr. Murphy also repeated the statement that Mr. Manley made at the machine table, "that if you are out on strike five days without the foreman's consent you were off duty more than five days, through this strike or any other reason, you were subject for rehiring. In fact, you were automatically fired."

Q. You say Mr. Manley had made that same statement?

A. He made that same statement. I wanted to mention that.

Q. When was that? At this meeting you have testified of earlier, at which Mr. Manley spoke?

A. Yes, the first meeting Mr. Manley called at the machine shop, on the planing table.

Q. Mr. Murphy made the same statement?

A. Mr. Murphy made the same report—the same statement, he says, "You fellows know this, that the company has a rule that they will not take you back after five days' lost time without the consent of your foreman, regardless why you were off, strike or any other reasons, five days exempted you from the place. That is, they rehire you. That is the only way you could get back, and you fellows that want your jobs and you fellows that want

to work, sign these cards." He made that remark. If he made it once he made it two or three times in his speech, mentioned this card and this company union.

Q. And how many men were at this meeting, Mr. Walters?

A. Well, I would say it was 200 or 225 could get into the room. All of the seats were taken and a lot of them were standing, a few were on the outside looking in the windows, they had the windows up and there was some of them there looking in the windows.

Q. You have testified this meeting was held in the district office of Republic Steel Company?

A. Yes, district office.

MR. HOSKINS: That is all.

MR. DAY: I move to strike out all of the conversations and incidents related by this witness, upon the grounds set forth in th' objections to the questions involving the same conve ations.

TRIAL EXAMINER LINDSAY: The motion is denied. Let the record show an exception.

Cross Examination

BY MR. DAY:

Q. When did you join the CIO?

A. Oh, I don't remember exactly the date, but it was about two weeks before the strike.

Q. It took you quite a while to make up your mind, didn't it?

A. Well, I will tell you, it was a case of being afraid of losing my job, I got a family of five children, and I know what is for expenses and everything to me, and I didn't want to go in too soon, I was afraid that being I was a new man there, that is what I considered new one, only having about two and a half years' service, I figured, "Well, pass the buck onto the newer men hired and blame

them for everything that is not right down in their shops." I just figured I will just keep mum.

I was asked to sign union cards in the plant, CIO cards, by men in there. I don't know whether they were paid organizers or not. Those men approached me, asked me what I thought of the CIO. I told them, "Well, I believe in the union all right, but I wouldn't join in here."

He says, "Why?" I says, "Well, Mr. Manley had said he would not tolerate any union activities in the plant, in no soliciting members." I says, "You know, you are subject to being fired, for going around like this." "Well," he says, "I know I am, but I don't think they know I am doing it." I says, "Listen, I am in favor of the union outside of the company, but I will not sign in here. If I sign, I will sign of my own good free will and I will go up to the office."

But after they had called the second meeting that Jones spoke of, that burned me up, then I made my decision "I am going to join now, they are trying to tell me every which way what to do, I am making my own mind up, I am going to be down in the morning." That morning when I quit work, before I went home, I went to the union office and joined. I also told about the meetings they had previous.

Q. Do you belong to the lodge?

A. I joined the CIO.

Q. Were you active in the strike, on the picket line?

A. No, no.

MR. HOSKINS: I object to that question.

TRIAL EXAMINER LINDSAY: Why?

MR. HOSKINS: Outside of the scope of the direct examination. It has no place with this witness.

TRIAL EXAMINER LINDSAY: Well, I will overrule the objection. The record may show an exception.

(The last question and answer read by the Reporter.)

A. No.

Q. Did you take any part in the strike at all?

A. No, I didn't.

Q. What?

A. No, I didn't.

Q. What?

A. No, I didn't.

Q. You did nothing at all?

A. No, sir, I am just a member, I just figured, "Well, I know I won't be back until the strike is called off." I figured I wouldn't want to sneak back in, swim the river or anything else. I was a union man at heart, I had no intention of going back and being classed as a strike breaker or scab. I just figured I would go down on my way down a lot of times, I stopped my car, got out and talked to the fellows I knew were on the picket line, talked amongst them.

Q. But you took no part in the strike yourself?

A. No part at all. I attended the meetings.

Q. You quit the Republic when?

A. Why, the night of the strike.

Q. The 26th of May?

A. I was on my way to work, and when I got over there to where we go down the bridge, down the steps, why there was a good sized crowd there.

Q. The strike was the 26th of May. When was it you made this speech that you are telling us about?

A. Oh, I would say that was about four or five days or a week before the strike.

Q. Then you kept on working there after that until the plant was shut down and the strike came?

A. Well, I only worked two or three days after that.

Q. Well, you were working when the strike came, because you went back that morning, that is right, isn't it?

A. I didn't go back in the morning. I work at night.

Q. Well, you went back to work, at the time the strike was called?

A. I didn't know it was called until I got back to the shop.

Q. You went back to work after that meeting at which you made the speech, didn't you?

A. Yes, sir.

Q. You worked several days after that?

A. Yes, sir.

Q. Before the strike was called?

A. Yes, sir.

Q. This meeting that was held was the meeting of the men, wasn't it?

A. What meeting was that?

Q. Well, this meeting where you made the speech and Bill Cummings made a speech?

A. I was told to come there. I was told I wanted to be seen there.

Q. When you got there it was a meeting of men who worked for Republic, wasn't it?

A. Yes, the foremen were there too.

Q. Who is Bill Cummings?

A. Why, he is just another machinist, as far as I know. He is in the tool room.

Q. Bill made a speech, said he thought the men ought to be represented by a man named Anderson or a man named Greer?

A. He would rather be represented by men like that, than a stranger, yes.

Q. Who is Anderson?

A. He is another machinist down there on the day turn.

Q. How long did he work there, do you know?

A. I couldn't say.

Q. And who is Greer?

A. Greer? Why, I am just telling you what I was

told about him, that he was another machinist there, of course I know that.

Q. Has he worked there a long time, do you know?

A. From what I am told he was a foreman, that was all, in another department of the company.

Q. How many years did you work for Republic, before the strike?

A. A little over two years.

Q. And these men Anderson and Greer, that Bill Cummings said he would rather have represent him than some fellows from the outside, were men that had worked there for sometime, as far as you know?

A. As far as I knew they were.

Q. Mr. Manley, is that his name?

A. Bill Manley, that is the master mechanic.

Q. He is master mechanic?

A. Yes, sir.

Q. What does a master mechanic do, different from the men themselves?

A. Well, he is higher up, to my belief, than a superintendent. He is over everybody. He has full charge.

Q. You think the master mechanic is ahead of the superintendent?

A. Yes, sir, I do.

Q. And had full charge?

A. I understand wherever I have been the master mechanic was considered that whatever he said, if the rest was undecided about some certain job or anything, why that went, that is, master mechanic.

Q. Then was Manley and Jones, a man named Smith, a man named Butler and Bill Cummings, there may have been some more, but those men made speeches at these meetings?

A. Yes, they did.

Q. And these were meetings of the men, and they were discussing the representative plan, weren't they?

A. Yes, they were.

Q. And there was some discussion of CIO?

A. Yes, they were.

Q. And you went there and took part in the discussion along with the other men?

A. Yes, I did.

MR. DAY: I guess that is all.

MR. HOSKINS: That is all.

JOSEPH FRANKLIN STEVENS

a witness called by and on behalf of the National Labor Relations Board, and, having been first duly sworn, testified as follows:

Direct Examination

Q. (By Mr. Hoskins) Will you state your full name, Mr. Stevens?

A. Joseph Franklin Stevens.

Q. Where do you live?

A. 1921 Pointview Avenue.

Q. Talk as loud as you can, so all may hear you.

A. Yes, sir.

Q. Have you ever worked for Republic Steel Corporation?

A. Yes, sir.

Q. What [when] did you first start there?

A. May 7, 1936.

Q. And what was your job, when you first went to work?

A. I was helper in the masonry department.

Q. Were you subsequently changed to any other job?

A. Yes, sir, on the 14th day of the month I changed to the line gang.

Q. That is the 14th day of May?

A. Yes, sir.

Q. Did you get any other changes?

A. No, I haven't got any other changes, any other

department, although I was promoted from helper on up to a linesman after I was changed.

Q. You were promoted from helper to linesman?

A. Yes.

Q. Do you belong to the CIO?

A. Yes, sir.

Q. When did you join the CIO?

A. March 1st, 1937.

Q. Have you ever belonged to any other unions?

A. Yes, sir.

Q. Which ones?

A. United Mine Workers of America, United Training Engineers of America.

Q. When did you join the United Mine Workers?

A. 1920.

Q. Now, while you were working in the mill do you recall ever having been called to any meetings in which unionism was discussed?

A. Yes, sir, I recall one meeting that there was a little yellow sign posted—piece of note paper put on the door, "Safety Meeting," that was a ruling we had, when that was put up, for us to report there, whatever hour it said to be there.

Q. You say it was put on the door?

A. On the door.

Q. Where?

A. On the line shop.

Q. That was in the mill?

A. Yes, sir.

Q. Do I understand you right, to say that it announced a Safety Meeting?

A. Safety Meeting, 2 o'clock.

Q. And about when was this?

A. Well, it was, the best I can recall it, two weeks before Easter.

Q. Now you say it was compulsory for you to go?

A. Yes, sir.

Q. You said two weeks before Easter, is that of this year?

A. Yes, sir.

Q. Well, now, did you go to this meeting?

A. Yes, we were all there, as far as I know, the whole gang.

Q. Will you tell what transpired at the meeting when you got there?

A. Well, it was supposed to be a safety meeting, but when we got there it was another meeting. When we got there the chief electrician—some of them say he was the chief electrician, some say he was superintendent of the electrical department, I can't say which—

Q. What is his name?

A. John Graft.

Q. John Graft?

A. Yes, sir.

Q. Is he your superior?

A. Yes, sir.

Q. All right.

A. He was making a speech to us, and he got up on top of a bus where we could all hear him, and I was very close, I could hear what the man said, and he got up and he scrambled around a few minutes before he could say anything and finally he said, "Men, I am here," he said, "in behalf of the ones that are interested in themselves and to try to convince the ones that are not interested in themselves, to be interested in themselves." He said, "This so-called SWOC, or some damn something or other," he says, "union"—

MR. DAY: I object to this conversation on the ground it is incompetent, irrelevant and immaterial, hasn't any bearing on any issue presented here, not connected with the respondents.

TRIAL EXAMINER LINDSAY: Objection overruled. Let the record show the exception.

A. He said, "I don't believe that any of you men are conscious, that will mess up with this stuff, and" he says, "this so-called stuff," he said, "that they call the Big Chief John L. Lewis," and he says, "he has never done anything for the laboring class of people, all he has ever done," he says, "just run around and get the men's dollars," and he said, "a little something come up he will assess there an extra dollar to your dues," and he says, "he won't do anything, only get your money and go on with it," and he says, "you won't have any more than you have got, only you will be just out of a job or cause you a lot of trouble, you can't never get over, you lose friends." "Now," he says, "with the representative plan here, we have had it,"—he told how long, I didn't try to remember that part of it—he said "they have had the representative plan here quite a bit," and he said, "it has always give satisfaction." He said, "All of the grievances that we have ever had to settle, have been carried out and treated the men right." He said, "Of course, there are things going on that we have to keep to ourselves, that we can't bring out openly and explain to you men," but he said, "if any of the men have any grievance of any kind," he said, "if they will come to me," he said, "I will settle it with them, we will talk it out, I will reason with any man," he said, "I am not a man that won't reason with a man." He went on with a great long spiel of stuff, then he said, "Now, I want you men to study this over, I hate to see you men go wrong, I want you to study it over. I don't want any of this 'influence' stuff spread around about this SWOC, first one union and another, in among our men." He said, "I don't want it and ain't going to have it." And he thanked us and he stepped down.

Q. Did he say whether or not the company would ever recognize the CIO?

A. He said they would not. He brought that in, until he said "We are not going to sign no contract with no union," he said, "regardless if every man in here joins a

union, we are not going to recognize it. We are not going to sign any contract," and he said, "we are not going to have no closed shop or no collective bargaining," and he related different things that they aren't going to have, that I know that CIO didn't even require.

MR. DAY: This was John Graft that made this speech?

THE WITNESS: Yes, sir.

MR. DAY: And you have stated he was chief electrician down there.

THE WITNESS: Yes, sir.

Q. About how many men attended that meeting, would you say?

A. I would say approximately 50 men, I never counted them, but approximately that.

Q. How long did the men remain?

A. Let's see, from 2 o'clock until 3:30—until we got up and walked off and left him.

Q. Did anyone else speak?

A. No, sir.

Q. Did Mr. Grant speak the entire—

A. Yes, sir.

Q. — hour and a half? Were you paid your regular wages at that time?

A. Yes, sir.

Q. And did you have any other conversations with Mr. Grant?

A. Yes, about three days, I would not be positive that it was three days, but just three or four days before Easter, one of the assistant foremen—

Q. That is Easter of 1937?

A. Yes, sir, one of the assistant foremen, I don't know what his name is, they call him "Mutt and Jeff"—he come out on the job and told me that Mr. Graft wanted to see me in the office. Well, I kidded around with him, I told him he didn't want to see me any worse than I wanted to see him. Now I just started off and I turned around and I

said, "Do you mean that he wants me in the office, sure enough?" He is all the time kidding with us. He said, "Yes," he said, "he probably wants to give you a better job or something or other," he says, "you better go on up and see him," and I said, "all right." I went up, and when I got up there Mr. Graft wasn't there, but his clerk, Mr. Gregory was there, and he said he had been called to a meeting, he didn't say where, he said he had been called to a meeting, he would not be back until late, he would not get to see me that afternoon, I would have to go back. Well, I didn't go back until they notified me the next day, and the next day V. C. Drevis, the line superintendent.

Q. Is that in the electrical department?

A. Yes, sir, he came at the shop where I was at and told me that—he said, "Have you seen Grant today?" I said, "No". "Did you see him yesterday?" I says, "No." He says, "You had better go up, then, he wants to see you." I says, "All right." I went on up, I got up there, he took me off into—out of the inner office to the private office, just Grant and I alone, and he said, "Stevens," he said, "I understand"—

MR. DAY: I am objecting to this conversation on the grounds already stated.

TRIAL EXAMINER LINDSAY: Objection overruled. The record may show an exception.

A. "Stevens," he says, "I understand that you are not satisfied with this—with the way we handle things around here." "Well," I said, "well, yes and no." "I would like to have you explain yourself, what do you mean by not being satisfied?" "Well," he said, "my understanding is that you are not satisfied with your work." He said, "Ain't your work satisfactory?" I said, "My work is perfect, but the conditions in our department is not perfect at all." I said, "I don't like that." He said, "Well, what is the reason that you don't like it?" "Well, since I have been in the department here I started as a helper," which I did, and I said, "worked my way up to second line man.

Now we have got a batch of first line men getting first line men's pay in here and us second line men has to show them what to do, couldn't even burn a hole with a burning torch." He said, "Did you consult your foreman?" I says, "You are the man that hires and fires, you ought to know when you interview a man whether he can do line work or not." "Well," he says, "I will see about that," and he said, "if you are capable of doing the work," he says, "I will see that you get first line man's pay." He said, "Now, I understand," he said, "there is a lot of things going around here, this union stuff and one thing another, and" he said, "they tell me you belong to the union quite a bit." I said, "Yes, sir, all my life practically since I was old enough to go to work." He wanted to know where and I told him United Mine Workers of America, state of Tennessee, Kentucky, other states I worked in. He said, "Well," he said, "if you want protection of the union, why did you come north?" I said, "Because I am free born American citizen, I go where I damn please." "Well," he says, "I will tell you, Stevens," he says, "I don't appreciate that a bit," he said, "I would rather you keep your nose clean." I says, "What the hell do you mean, keep my nose clean?" I says, "You have got to explain yourself along that line too." "Well," he said, "that is just the way I have got of expressing it." "Well," I says, "your damned expressions don't mean anything to me. Your advice is just a slick place for me to slide up in, John," that is the way I said it. "Well," he said, "why don't you go back south," he said. "I can tell you the reason you didn't stay in the south," he said, "you come up here where you could make more money." I said, "Yes, I can make more money here, of course, I can, at this time." And I said, "The reason that I left the south and come north was to try to learn me a trade, complete my trade." He said, "Well, I believe if I was you, I would go back south." I says, "No, I am not going back south." He says, "Why don't you go back to the mine," he said,

"can't you make any money in the mines?" I told him yes, I could. I told him different things that I had had the experience of in mines that are union, and he said, "Well," he said, "I worked in the mines too." Well, he threw a few questions to me, about the mines, and I commenced throwing them at him, and I found out very quick that he didn't know anything about mining, or anything about it.

He said, "Well, what did this union ever do you any good, this John L. Lewis stuff, that they have got going around here?" I told him of the time I was working for the Clearfield Cherokee Coal Company, Clearfield, Tennessee, we come out on strike for 60—we stood, we were getting 60 cents a ton for coal, we stood for higher wages, stayed out 18 months, went back at $1.19 a ton. He says, "Well, who did you have taking care of you all this time?" I said, "John L. Lewis and his union." Well, he says, "I am asking you to keep your nose clean," he says, "I don't want you to run around here signing up men inside of the plant," he said, "I am not going to have it."

Well, I just remarked about it, "I haven't signed them up on the inside of the plant, but I have on the outside." I says, "I have signed up several of them, and I am still signing them up." "I have got my cards out there now in the car to sign them up." I says, "I don't sign them up in here, but I will sign them up out there."

"Oh," he says, "you will be on strike, the first thing you know, you can't get a job anywhere, nobody will take care of you and you will be in worse shape than you have ever been" and I says, "Well, I will tell you, if they come to a strike, I will be one of the first men to go out of the gate, and I will try to take someone with me, if I am in here when the strike comes." And I walked out the door.

Q. How long were you in Grant's office at that time?

A. I would say 45 minutes.

Q. You say 25?

A. 45.

Q. Did you get paid for your time?

A. Yes, sir.

Q. Were you working, the day the strike was called?

A. No, sir, the strike was called at 11 o'clock at night and I was on the day shift.

Q. You stayed out on strike?

A. Yes, sir.

Q. Have you had any conversations with Mr. Grant since the strike started?

A. Yes, sir.

Q. Will you tell us about those?

MR. DAY: The same objection, and the same exception.

A. But on the 19th day of June—

TRIAL EXAMINER LINDSAY: Just a minute. Objection overruled. The record may show an exception.

A. On the 19th day of June, the night that the fight came, that they had their fight down there, my wife got a message from her mother that her father had heart attack, she awoke me crying and I just come in home, she woke me crying, "We got to go home," and so I took my wife and went south to visit my people and let her visit her people. That was on the 19th.

I came back, this is on the 12th. I went down and started—

Q. That is the 12th?

A. 12th of July, 1937.

Q. All right.

A. I went down, started down to the office here at Market Street when I got back—I seen a bunch of men down there, didn't know what happened, looked like an army gathered up down there, so I dashed—

Q. Pardon me, Mr. Stevens. What prompted you to come back on the 12th?

A. Well, I seen in the Knoxville News-Sentinel Paper —Knoxville, Tennessee—where the strike was over, and it didn't relate who called it off or anything about it, just

said the strike was all over with, all of the men had gone back to work.

I told my wife "Well, I am going back to Ohio," which I did. So when I seen the bunch of men down there at the office, I didn't go on down for you couldn't get near down there, I went on home, picks up the telephone and calls Mr. Grant. I first calls V. C. Drevis, line superintendent, and he said, "Well," he says, "I can't tell you nothing," he says, "give me your phone number and I can call you." I says, "What is the matter, you can't tell me nothing?" I said, "You are my foreman, ain't you?" He said, "Yes, but I have no authority;" I said, "Well, what is Grant's phone number?" And he gave me the phone number.

I called Grant and told him that I had just got back from down home and when did he want me to come to work. He said, "I haven't got anything for you."

I said, "You haven't got anything for me?" He said, "Yes." I said, "Well, when will you have anything for me?" He said, "I don't know." I said, "Well, I would like to have some definite answer, ain't I got no job?" He says, "I haven't got a damn thing for you." And he hung up the receiver.

And about two weeks ago, I will say around the 17th or 18th of August—no, the 16th or 17th of August was the last time—

Q. When did you say? Two weeks ago, about the 16th of August?

A. About two weeks ago, I started to say—I recall it was about the 17th if I ain't badly mistaken, I called Mr. Grant again, and when I called him I couldn't get him on the phone for a while, but the clerk told him who was waiting on him and he told me to hold on, please; while I held the phone, he come to the phone and he says, "Yes"—I told him who I was; I said, "Well, I have called you to see whether you are ever going to call me to work or not?"

He said, "No, you have no job," he says, "none of

you guys out there have no job, you needn't hang around here, you might as well go somewhere else and get you a job." "Well," I says, "I want my clothes and tools so I can get to work somewhere." "Well," he says, "you can get your tools any time."

MR. DAY: I would like this conversation under the same objection and exception, for the same reason.

TRIAL EXAMINER LINDSAY: Objection overruled. Let the record show an exception.

A. He said, "You can get your tools any time." He says, "Just come on down and get them," which I did, I went down to get them, and when I went in at the gates I had to stand there approximately an hour before I could ever get a cop to go over with me to the line shop to get my tools.

Well, I went on over to the shop then and got my tools, brought them back, had to leave them at the line shop and go back up to the open hearth at the Center State Bridge at that entrance where Mr. Grant's office in there, and go in there to get an order for my tools.

Well, when I went in up there the cops wouldn't let me go in and get the order at all, they wouldn't let me see Grant at all.

So he went over and got the order and I had to wait there about 45 or 50 minutes it took him to go over and get the order and bring it back, then when he brought the order back I took the order back and went and got my tools.

Q. Then did you leave the mill?

A. Yes, sir.

MR. HOSKINS: That is all.

Cross Examination

Q. (By Mr. Day) When did you join the CIO here?

A. March 1st, 1937.

Q. And you say that there was a meeting called, a safety meeting about two weeks before Easter?

A. Yes, sir.

Q. And Mr. Grant talked about an hour and a half?

A. That was called, expect to be in the office for safety meeting, which the ruling was, the note said at 2 o'clock, which we were there at 2 o'clock.

Q. Do you mean to say that Mr. Grant talked an hour and a half without stopping?

A. I mean to say that we was there on the company's time waiting on this meeting from 3 o'clock—from 2 o'clock until 3:30.

Q. My question is, whether you mean to say that Mr. Grant talked for an hour and a half?

A. Mr. Grant started in a few minutes after we got there, I would say he talked a full hour and a half.

Q. Did anybody else talk besides him?

A. No, sir.

Q. Were there any questions asked and answered?

A. No, sir.

Q. Did anything take place besides Grant talking?

A. No, sir.

Q. That was a little before Easter?

A. Yes, sir.

Q. Then you talked to Mr. Grant when, after that?

A. The 12th of July.

Q. The 12th of July?

A. Yes, sir.

Q. Now, that was after the strike?

A. Yes, sir.

Q. How long did you work for Republic, up to the strike?

A. I worked 15 months up until the strike.

Q. Then when the strike came on the 26th of May, you were working at Republic, is that right?

A. Yes, sir.

Q. And when did you go down South to your old home

in Tennessee?

A. The 19th day of June, the evening of June—I left here on that 10:10 train that night.

Q. Now, do you know when the mill opened up again?

A. No, sir, I couldn't say. I got this paper on July 8th.

Q. And that paper said that the strike was over?

A. Yes, sir.

Q. The Republic strike was over?

A. It said the strike was over, of the Republic Steel, and all men going back to work.

Q. That was a Knoxville paper?

A. Knoxville Sentinel paper—Knoxville News-Sentinel

Q. The plant shut down on the 26th and they stayed down until about the 25th of June; did you find that out afterwards?

A. Which they said.

Q. What is that?

A. Which the members of the lodge told me so.

Q. Yes; well, when did you come back to Youngstown from Tennessee?

A. We got back here from Tennessee?

Q. Yes, when was that?

A. The 12th day of July.

Q. The 12th day of July?

A. Yes.

Q. Then you got back about three weeks after the plant opened here?

A. Yes, sir.

Q. And then you telephoned to—you say you telephoned to Grant, didn't you?

A. Yes, sir.

Q. You asked for your job back?

A. I asked him when he was going to call me for work.

Q. And then he told you that he would let you know later?

A. He said, "I don't have anything for you now."

Q. "I don't have anything for you now?"

A. Yes. I said, "When would you have something for me then?"

Q. Yes.

A. "I would like to have an answer?" He said, "I haven't got a damn thing for you," and hung up.

Q. Yes. Now, you know a lot of men who had been out of work while the plants were down, during the strike, went back to work again when the plant opened about June 25th, didn't you?

A. No, I didn't know anything of the kind, I wasn't here.

Q. Well, you know it now.

A. I know there are lots of them back, I can't say when they went back.

Q. But you know a lot of them did go back?

A. Yes.

Q. And you know a lot of them did go back a few days after the plant opened, June the 25th?

A. No, sir, I don't know it at all.

Q. You were down South during all that time?

A. Yes, sir.

Q. Then you got your tools about two weeks ago, is that right?

A. I got my tools about either the 16th or 17th.

Q. Of August?

A. Of August.

MR. DAY: I think that is all.

MR. HOSKINS: That is all.

JAMES CLARENCE FARNER

a witness called by and on behalf of the National Labor Relations Board, and, having been first duly sworn, testified as follows:

Direct Examination

Q. (By Mr. Hoskins) Will you state your name?

A. James Clarence Farner.

Q. Where do you live?

A. 376 South Jackson Street.

Q. 376 South Jackson Street?

A. Yes, sir.

Q. Will you try to talk just as loud as you can, so these gentlemen can hear you?

A. I will, but I don't think it is going to be very loud.

Q. Have you ever worked at Republic Steel Corporation?

A. Yes, sir.

Q. When did you go to work for them?

A. For the last time I think it was around December, latter part of December, 1929.

Q. Latter part of December, 1929?

A. Yes, sir.

Q. Had you worked for them previously?

A. Yes, sir.

Q. Will you tell us the periods at which you had worked?

A. I couldn't tell you just to be about definite on that, I just got an order to weld that much and then go some place else.

Q. Do you know how many years in toto you have worked there?

A. I believe it would be about 10 or 12, that is off and on, in and out.

Q. About 10 or 12, off and on? When you went back to work you stated in 1929?

A. Yes.

Q. What was your job at that time?

A. Welder.

Q. Welder in what department is that?

A. The electric.

Q. In the electric department, is that in Youngstown?

A. Yes, sir.

Q. Are you a member of the CIO?

A. Yes, sir.

Q. When did you join?

A. Around the 1st of March sometime.

Q. Around the first of March?

A. 1937.

Q. While you were working in the mill, did you have any conversation with Mr. John Grant regarding unionism?

A. Oh, yes.

Q. You know Mr. John Grant?

A. Yes, sir.

Q. Who is he?

A. Chief electrician for the corporation, maybe it is just for this Republic or Youngstown district, I don't know that.

Q. Was he your superior in your work?

A. Yes.

Q. Will you tell us about these conversations?

MR. DAY: May we have objection to this conversation on the same ground as we had to the conversations between the witness Stevens and Grant?

TRIAL EXAMINER LINDSAY: Objection overruled. Let the record show the exception.

MR. DAY: Any and all conversations between the two of them, on the same ground.

THE WITNESS: You want to have what ıe conversations were?

TRIAL EXAMINER LINDSAY: May I ask a question off the record?

Q. Mr. Farner, will you tell us as best you know, how —what the scope of authority possessed by Mr. Grant is?

MR. DAY: Object to the form of the question. It involves purely conclusion.

MR. HOSKINS: I will reshape the question, that is the only purpose:

Q. Do you know what the scope of Mr. Grant's aut ority is?

MR. DAY: Object.

A. I think I know as well as anybody.

TRIAL EXAMINER LINDSAY: Objection ov ruled. Let the record show an exception.

Q. Will you tell the Court?

A. He has authority to hire and fire him any—an body in the electrical department and he operates the mai tenance crew, crane rebuilding crew, hiring three or fo welders all the time, a couple boiler makers and helpe and a line gang, and of course, all of the operations.

Q. Do you know approximately how many men a under his jurisdiction?

A. Well, I don't know that, no.

Q. Can you give us an estimate on the number them? Is it 10 or 100 or where would you place it?

A. I would think it must have been around 800 an way on all turns, that is what I would think.

Q. You would place the figure at six or eight hu dred?

A. About six or eight hundred.

Q. You stated you did have a conversation with M Grant. Will you proceed to talk about the first one those?

A. I think the first one that—that is a closed car co versation, he called me in the office sometime about t days or two weeks before Easter and he started out fro selling himself to me in the first place, telling me wh good friends we had been over this period of years that have known him, and he asked me why I joined the CIO

Q. You were called into Mr. Grant's office?

A. Yes.

Q. If I understand you right, he stated that you h been good friends for a number of years?

A. Yes.

Q. All right, now will you go ahead.

A. He asked me why I joined CIO, why I want to get myself mixed up with a bunch of cheap Bolsheviks. I says, "I don't know whether they are, John." "Well," he said, "if I gave you definite proof would you believe it?" I said, "I would have no reason not to."

MR. DAY: Talk louder.

A. He asked me if he could prove to me that they were governed by foreign powers, if I would believe it. I said, "I would believe it if they proved it to me, I would have to."

I gave him the reason for joining it, that everybody else in our department has joined it, there was several of them and they had contacted me outside the plant and asked me to join CIO and I imagine the biggest reason for my joining was just because they joined, but they were my friends, I worked with them, I just hopped on the wagon with them.

He said that he had—the reason everybody had joined it, just to be on with the other fellow, he went on ahead to try to sell me on the idea of the company union, what a wonderful thing it had always been, that is the representation plan, told me what a good thing it was at the Sheet & Tube years ago, what a good thing it had been for us here.

Of course, I couldn't agree with very much he said, and we went over that same thing for about an hour, 45 minutes to an hour anyway, and the whistle blew and he said he had to go. That just about covers the high points in that. But he did tell me that the company would never recognize the CIO.

Q. At the time of this conversation, Mr. Farner, did you hold any office in the local lodge of the SWOC?

A. Yes, I had been elected grievance committee.

Q. Was any reference made to that fact?

A. Yes, I asked him in the first place how he knew

I joined the CIO. Then he showed me this pamphlet that he had there.

Q. What sort of pamphlet was that?

A. One that was a pamphlet published by CIO, giving the names of their officers and their rank, just a general post of information, that is all.

Q. Had he had one of those with him at the time?

A. Yes, he had one of those on his hat there.

Q. Did Mr. Grant state to you what his duty was in connection with CIO?

A. Yes, he told me that he had been handed down from the shop and that if it was at all possible that the superintendents and the heads of each department were to head this thing off to save all our necks.

Q. How long did you say you were in his office?

A. 45 minutes to an hour, easy.

Q. Were you paid for that time?

A. Oh, yes.

Q. Did you ever attend any open meeting at which Mr. Grant spoke on approximately the same subject?

A. One.

Q. When was that?

A. That was sometime prior to the strike, I couldn't tell you the date.

Q. Well, approximately when? Was it after this conversation you had had?

A. Yes.

Q. With him, in his office?

A. Yes.

Q. About how long after that?

A. I told him a week or ten days, maybe two weeks.

Q. What date did you fix for this conversation in his office?

A. About a couple of weeks before Easter, I believe.

Q. When were you elected to this officer's position in the local lodge?

A. Well, that date I don't know either, the first closed meeting they had, the CIO had.

Q. All right, now will you tell us what happened at this open meeting at which Mr. Grant spoke?

MR. DAY: The same objection, on the same ground.

TRIAL EXAMINER LINDSAY: Objection overruled. Let the record show an exception.

A. Well, we had a notice posted on our bulletin, which was on the back of the door of the line shanty, people to go down, safety meeting at 2:30.

Q. You say this notice was posted on the door to the line shanty?

A. Yes, there is a bulletin board on the back of the door—they use it for a bulletin board.

Q. You say that called for a safety meeting?

A. Yes, might have been 2 o'clock.

Q. Is attendance at these safety meetings compulsory, or may you go or not?

A. Yes, sir, you had to be.

Q. That is compulsory?

A. Yes.

Q. Did you go to this meeting?

A. Yes.

Q. All right, will you tell us what took place?

A. We went in there, hung around for a little while.

MR. DAY: A little louder, please.

A. We got our tools put away, I imagine it took 10 or 15 minutes, waited for a little while for Mr. Grant, and he came in and they had a box out there arranged for him to stand on. He got up on there, he says, "Well, fellows," he says, "we are having a little trouble with this organization running through the plant, and I don't think it is any good for us," and words to that effect. He just went ahead to sell us the idea of the representation plan, all of this, some other organizations they called Republic Employees Organization, something like that—he said he would rather

be represented by the men that we know, local men here, than to have John Lewis come in here in a matter of a few months, try to get a closed shop, check off system and he explained why it was no good for us. He said he would rather be represented by men that had been in Youngstown here for years, knew all about our conditions, all that.

Q. How long did that meeting last, Mr. Farner?

A. It lasted from 2 o'clock until 2:30. We had to walk out on him.

Q. About how many men were present at the meeting, would you say?

A. Well, I would say there were between fifty and a hundred, anyway, probably more.

Q. Did you get paid for the time?

A. Yes.

Q. Other than membership in the C. I. O., were any other safety measures discussed?

A. No, not at this meeting.

Q. Now, were you working on the day of the strike?

A. I worked on May 26th, yes.

Q. Did you go out on strike?

A. No, we were out.

Q. You were already out at the time?

A. Yes.

Q. Did you have any conversations with your foremen, or with Mr. Graft, or with any of the officials relative to going back to work?

A. I think it was June 6th or 7th, I called Vic Drebes up, and he told me I would have to call back in a few days.

Q. You told us a few moments ago who Vic Drebes was; will you repeat that?

A. He is the general line foreman.

Q. What was the conversation with Mr. Drebes?

A. I called him a little later. He told me he thought I should call Mr. Graft up, and that I could go back to

work. I called him up and got no results. He thought we were licked.

So I thought I would. About nine o'clock I called Vic up, and he seemed kind of peeved. I know him well. I said, "What is the matter, did you get up on the wrong side of the bed?" He said: "No, I just got in bed, and you got me back out again." He said he was out all the night before, and the day, too.

So I went back—

MR. DAY: I cannot hear this witness.

TRIAL EXAMINER LINDSAY: Talk up loudly, so we can all hear you.

MR. DAY: What was the date of this talk now?

TRIAL EXAMINER LINDSAY: Around the 6th or the 7th.

MR. DAY: Of what month?

THE WITNESS: Of July.

Q. (By Mr. Lauter) Go ahead.

A. He told me I would have to call back in a couple of days. So I did call him back, and he discouraged me even going to see Mr. Graft. He said: "You can do so if you want to, but it won't do you any good." And I said: "You don't mind if I see him, do you?" He said: "No." So I did, I went down and tried to see Graft. He was not in, or he wouldn't come over, so they advised me to go to the pay station and call him up, which I did, and he told me, he says: "Well, Red, I don't have anything right now, we are not doing any of that kind of work, we don't need welders."

I said: "You have welders working in my place." He said: "Not altogether." He said he had borrowed a welder from the boiler shop a couple of times.

TRIAL EXAMINER LINDSAY: I think we will take a short recess.

(Thereupon a short recess was had.)

TRIAL EXAMINER LINDSAY: The hearing is called to order.

Q. (By Mr. Lauter) I will ask the Reporter to check us up on the testimony.

(Last answer of the witness read by the Reporter.)

Q. (By Mr. Hoskins) Do you understand now where you were at the time of the recess?

A. Yes.

Q. Did you have any more conversations, or did that finish the conversation with Mr. Graft?

A. That did at that time.

Q. Did you have any more conversation with him?

A. I called him up once more after that.

Q. You called him up once more?

A. Yes.

Q. About when was that, Mr. Farner?

A. About 10 days ago, I guess.

Q. About 10 days ago?

A. Yes.

Q. What was the conversation on that occasion?

A. Well, he just gave me to understand that I didn't have any more job, that's all.

MR. DAY: I wish you would keep your voice up.

THE WITNESS: He just gave me to understand I didn't have any more job; he didn't just put it in that words, but it meant the same thing.

Q. (By Mr. Hoskins) Do you remember the words that he used?

A. Well, I asked him if he was through altogether. He said: "Well, I just wouldn't put it that way."

"Well," I said, "I can't get a job any place else. I went over to the Sheet & Tube, and I did have a job there, and I went back, and they said: 'Well, if we need you, we will call you some time.'"

I said: "Just what does that mean?" and then he said: "Why don't you—why don't they take you back at the Republic?" I said: "I don't know that. I would like to know myself", and I asked him if they had anything to

do with my having a job there, because I came from the Republic, and he said: "Not altogether," and that's all I could get out of him.

MR. DAY: This is a Sheet & Tube man you are talking with now?

THE WITNESS: Yes, the Sheet & Tube Employment Agency.

MR. DAY: I object to that conversation.

TRIAL EXAMINER LINDSAY: I overrule the objection, and let the record show an exception for the Respondent.

(Exception on behalf of the Respondent.)

Q. (By Mr. Hoskins) Can you give us any more of the conversation with Mr. Graft over the telephone on that last occasion?

A. That's just about all. He would just tell you what he wanted to, and hang up, that's all.

Q. He did leave you to understand that you were through?

A. Yes, sir.

MR. HOSKINS: I believe that is all.

Cross Examination

Q. (By Mr. Day) Mr. Farner, when did you start to work for the Republic Steel Corporation?

A. The latter part of December, 1929, the last time.

Q. And did you work right along then up until the time of the strike?

A. I did.

Q. Are you a married man?

A. Yes, sir.

Q. Have you a wife and children?

A. Yes, sir.

Q. You went to work for the Republic Steel Corporation back in 1929?

A. Yes.

Q. And you worked right along up until the time of the strike?

A. Yes, sir.

Q. And when did the C. I. O. come in here, before the strike, about how long?

A. I couldn't tell you that.

Q. Well, it was a matter of some months, was it not?

A. I couldn't tell you that.

Q. And the C. I. O. called the strike?

A. Yes.

Q. And then you quit working for the Republic Steel Corporation?

A. Yes, I did.

Q. And you joined the C. I. O., you said, as I understood it, because a good many of the other fellows in your same line of work was joining the C. I. O.?

A. That's right.

Q. You hopped on the band wagon?

A. That's right.

Q. And how long before the strike did you hop on?

A. Around the first of March some time.

Q. A matter of a couple of months?

A. Something like that.

Q. Now, the strike was the 26th day of May?

A. That's right.

Q. And then you know the plant shut down?

A. Yes.

Q. Except for the maintenance men?

A. That's right.

Q. The plant went down on the 26th of May, and stayed down until about the 25th of June?

A. Right.

Q. And then you remember the plant opened up again on the 25th of June?

A. I heard that it did, yes.

Q. Well, you were here then?

A. I was here, yes.

Q. On the strike?

A. Yes.

Q. And were you on the picket line at times?

A. I was; I was on the picket line up until a couple of days before the riot.

Q. A couple of days before—

A. Before the riot, yes.

Q. — the riot?

A. Yes.

Q. And that was in June some time?

A. I believe the 19th, yes.

Q. And then when the plant opened up on the 22nd of June, or the 26th of June, a lot of men went back to work?

A. I imagine so.

Q. Well, you did not go back?

A. No.

Q. And it was not until the 6th or 7th of June—I mean July, — that you took up with the Company the subject of going back to work, is that right?

A. That's right.

Q. That was about two weeks after the plant opened up and a good many men did go back?

A. I suppose.

Q. And you talked to Mr. John Graft, and you asked if you had a job?

A. That's right.

Q. What did he tell you?

A. He didn't just tell me I didn't have a job; but he didn't give me my job back.

Q. Did he say anything about the number of men that had come back to work?

A. No.

Q. Did he ask you why you didn't come back about the 25th of June?

A. No, sir.

Q. And then you talked to him again just a short time ago, is that right?

A. Right.

Q. Now, you were asked whether you were paid during the time that you talked to Mr. Graft, and you said you were?

A. I was.

Q. As I understand it, by that you meant that you had a job, and you got paid for your work?

A. That's right.

Q. And you were not docked off anything for the time you spent talking to Graft, is that right?

A. That's right.

MR. DAY: That is all.

MR. HOSKINS: No further questions.

(Witness excused.)

RICHARD ELDER

a witness called by and on behalf of the National Labor Relations Board, and, having been first duly sworn, testified as follows:

Direct Examination

Q. (By Mr. Hoskins) Will you state your full name please?

MR. DAY: May I ask this last witness just one question?

TRIAL EXAMINER LINDSAY: Yes.

MR. DAY: Mr. Farner.

MR. HOSKINS: Take the stand, Mr. Farner.

JAMES CLARENCE FARNER

a witness recalled by and on behalf of the Respondents, and, having been previously duly sworn, testified further as follows:

Recross Examination

BY MR. DAY:

Q. When did you make it known that you had joined the C. I. O.?

A. Well, it was known the next morning; everybody knew about it.

Q. And you joined when?

A. Around the first of March.

Q. And you stayed at the plant working until the 25th of May or 26th?

A. That's right.

MR. DAY: That's all.

(Witness excused.)

Thereupon the witness, RICHARD ELDER, was recalled to the witness stand, and testified as follows:

Direct Examination

Q. (By Mr. Hoskins) Will you state your name please?

A. Dick Elder.

Q. Dick Elder?

A. Yes.

Q. How do you spell that?

A. D-i-c-k Capital E-l-d-e-r.

Q. That is two words though, is it not?

A. Yes.

Q. Elder being the last name?

A. Yes, Dick Elder.

Q. Where do you live, Mr. Elder?

A. 309 Jackson Street.

Q. 309 Jackson Street?

A. Lowellville, Ohio.

Q. In Lowellville, Ohio?

A. Yes.

Q. Have you ever worked for the Republic Steel Corporation?

A. Yes, sir.

Q. How often have you worked there?

A. Oh, four or five different times.

Q. Four or five different times?

A. Yes.

Q. When was the last time you went back to work?

A. About—well, as nearly as I can figure out, I never kept any dates—as nearly as I can figure it, it is about eight years.

Q. About eight years ago?

A. About eight years.

Q. Do you know what the aggregate of all the years of service you have had down there would be, the total number of years you worked for the Republic Steel Corporation?

A. Oh, it would be in the neighborhood of 15 years, I guess.

Q. In the neighborhood of 15 years?

A. I think so.

Q. Now, when you went back to work eight years ago, what job were you placed in at that time?

A. Why, at that time I was first helper.

Q. First helper?

A. Yes.

Q. In what department?

A. In the open hearth.

Q. In what?

A. The open hearth.

Q. Is that in Youngstown?

A. That's in Youngstown.

Q. Did you keep that same job all the time?

A. No, I didn't.

Q. What was your next job?

A. They got a little slack, taking some furnaces off, and then I went back to second helper.

Q. Have you remained second helper since then?

A. No, I was back at first helper again.

Q. You went back to first helper, subsequently?

A. Yes, only second helper a few days, and then the furnaces went on, and I went to first helper again.

Q. Have you ever had a job down there at putting in a new furnace?

A. Yes, I put the bottom in a new furnace.

Q. Putting a bottom in a new furnace?

A. Yes.

Q. Do you know why you were selected for that job?

A. I don't know, 15 men on the floor, and they picked me out to put the bottom in, on our turn.

Q. Speak a little bit louder, Mr. Elder. I cannot hear you very well back here.

A. Yes.

Q. Now, what was your job there during the early part of 1937?

A. The early part?

Q. That is, January, February and March, were you second helper at that time, or first helper?

A. No, I was first helper.

Q. All right. Do you know George Putnam?

A. Yes, sir.

Q. Who is he?

A. He is the superintendent of the open hearth.

Q. Superintendent of the open hearth?

A. Yes.

Q. Do you know a Mr. Jones Cahill?

A. Yes.

Q. Who is he?

A. He is the superintendent of the open hearth.

Q. And do you belong to the C. I. O.?

A. Yes, sir.

Q. When did you join the C. I. O.?

A. I joined the C. I. O. on February 7, 1937.

Q. Have you ever held any office in the local lodge of the C. I. O.?

A. Yes, sir.

Q. What office?

A. Executive Committee.

Q. What is that?

A. Executive Committee.

Q. I see. What day were you elected or appointed to the Executive Committee, do you know?

A. The 12th day of March.

Q. The 12th day of March?

A. Yes.

Q. Now, at any time around that date, did you have any conversations with Mr. Cahill or Mr. Putnam regarding your membership in the C. I. O.?

A. On the 13th of March, Cahill and Putnam both came to me at my furnace, and said they had saw my name on the Executive Committee in the C. I. O. pamphlet or the C. I. O. lodge that had been throwed around, distributed.

And I said, I hadn't saw any of them and they said: "Well, your name is on there." "Well," I said, "I haven't saw any of them."

They said: "Do you belong to the C. I. O.?" I said: "Yes, I do.", and that's all that was said, they walked away and didn't say anything more to me.

Q. Did they say anything to you at a later time?

A. Three days later Mr. Putnam came to my furnace, at about three o'clock, and I was going to quit at three—he says: "On your way home," he said, "will you stop in my office, Dick?" "I would like to talk to you." I said: "All right, George."

I stopped in and went in, and George says: "Sit down, Dick." Well, I sat down, and he says, "Dick I always thought you was a good friend of mine." "Well," I says, "I always have been, George, and I am yet, as far as that's concerned."

"Well," he says, "it don't look like it when you joined

the C. I. O." I said: "I don't see why that should make any difference." "I never was sore at you because you was a Company man; I don't know why you should be sore at me because I am a Union man."

"Well," he says, "I don't know, Dick," he says, "it don't look very good to me." I said: "I can't see why." "Well," he says, "you know, Dick—" "What are the men dissatisfied about up there?" I said: "Well, I will tell you, George, every time the tonnage is put up," I says, "they are all dissatisfied, but," I says, "they will—they won't say anything to you, some of them maybe do, but," I said, "most of them will holler around on the floor, but they won't say anything about it to you."

I said: "You know yourself that we ain't getting the tonnage that we should." I said: "Why not?" I said: "You know there aren't any scales in this plant; they always estimate it." He said: "I know, but we always give you good weight." I said: "I don't think so, and nobody else does."

He said: "Well, we have been trying to get a scale in there, and I think the money has been appropriated for it, but they haven't got it in there."

I said: "The men would be a lot better satisfied if we had it." So that's about all that was said. He said: "Dick, I just want to tell you that lots of times we have to let good men go that we don't like to lose, on account of Union activities, and," he said, "I just wanted to tell you that."

I said: "O. K., George, with me, if you want to let me go right now," I said, "that's your privilege."

He said: "No, I ain't going to fire you." He said: "That will be all."

So I went home.

Q. Now, this George Putnam was your superintendent?

A. Yes, sir, he was.

Q. After this conversation you have just told us

about, did you attend any more meetings in the plant at which Unionism was brought up?

A. Yes, I did. I attended a meeting in the wash house, where Unionism was brought up very thoroughly.

Q. About when was this, Mr. Elder?

A. Well, as nearly as I can tell you, that must have been about—I would say it was practically a month before the strike.

Q. About a month before the strike?

A. Yes.

Q. And you say it was in the wash house?

A. In the wash house, yes.

Q. That is in the plant?

A. That's in the plant, yes.

Q. Will you tell us how you were summoned to this meeting, who spoke, and what was said?

MR. DAY: We object on the same grounds that we objected to similar conversations, already stated in the record.

TRIAL EXAMINER LINDSAY: The objection is overruled. The record may show an exception for the Respondent.

(Exception on behalf of the Respondent.)

A. The foreman came down by the furnaces, and told us all that we was all wanted up at the wash room, that there was a meeting on.

Q. Who was this foreman, Mr. Elder?

A. James Ball.

Q. James—

A. James Ball.

Q. This was while you were working?

A. This was after we had started to work at three o'clock in the afternoon, and they all went up to this meeting, and Mr. Putnam got up and spoke first. He said that there was nobody worked—he just wanted to inform us that there was nobody worked in that plant that planned to join any Union to work there, and he said furthermore,

he didn't want anybody organizing anybody in the plant for the C. I. O., he said that that wouldn't be tolerated at all.

So he didn't have very much of a speech, that was about all he said, and Mr. Leventry spoke.

Q. Now, who was Mr. Leventry?

A. He was—well, I would say he was at that time the works manager of that department, the Youngstown District.

Q. You would say he was works manager?

A. I would say that was his position at that time.

Q. What did Mr. Leventry have to say?

A. And Mr. Leventry told us practically the same thing. He said they wouldn't tolerate any Union, and he says: "This Company will never sign up," he says, "we will shut the mill up and board it up before we will sign with the C. I. O." and that was about all that was said, and the meeting was dismissed, told us to all go back to our work.

Q. How long did that meeting last, Mr. Elder?

A. Didn't last over about 20 minutes.

Q. About how many men were in attendance, would you say?

A. Well, I would say there was around 75 men.

Q. Did you get paid for the time you spent at that meeting?

A. Yes, I did.

Q. Referring back for a moment to this time that you were in Mr. Putnam's office; how long were you in there, would you say?

A. Oh, I would say I was in there about half an hour.

Q. About half an hour?

A. Yes.

Q. Did you get paid for that time?

A. No, I was on my way home.

Q. You were on your way home?

A. That was after I was through working.

Q. Were you working on May 26th?

A. No, I wasn't.

Q. Was that your day off, or what?

A. I was off two days, two days before that, that day and the day before was our turn to be off.

Q. And the strike was called that day?

A. The strike was called when I was off, yes.

Q. Have you talked to anyone since that date regarding going back to work?

A. I talked to Putnam, George Putnam, our superintendent.

Q. When did you talk to him?

A. I talked to him on the phone on August 2nd.

Q. Did you call him or did you—did he call you?

A. I called him.

Q. What was that conversation?

A. I called him on the phone—of course, I knew his voice, who I was calling, I said: "Is that you, George?" He said: "Yes, who is this talking?" I said: "This is Dick." He says: "Oh, is that you?" I said: "Yes." He said: "How are you doing?" I said: "All right." I said: "How abont going back to work?" He said: "No, Dick, you know what I told you when you joined the C. I. O." I said: "Yes." He said: "That still holds good."

So I hung up the receiver, and that's all that was said.

MR. HOSKINS: I believe that is all.

Cross Examination

Q. (By Mr. Day) You have worked for the Republic Steel Corporation off and on for 15 years?

A. Yes, sir.

Q. And you have worked up until the time of the strike?

A. Yes.

Q. For a stretch of eight years?

A. Yes, sir.

Q. And then last summer, the summer of 1936, the C. I. O. came out here, and started to organize, is that right?

A. I don't know what time the C. I. O. come in here; I guess it was around here, quite a long time before I knew anything of it.

Q. Well, anyhow, after you had worked here for about eight years, the C I. O. did come out here and did start to organize, and did call a strike on the 26th of May,—that is right, is it not?

A. Yes, sir.

Q. And then when the C. I. O. called the strike you stopped working out there, and the plant shut down for a while, did it not?

A. Yes, sir.

Q. You worked pretty continuously up until the time that the C. I. O. called the strike?

A. Yes.

Q. You are a married man?

A. Yes, sir.

Q. Children?

A. Yes, sir.

Q. Any grandchildren?

A. Yes, sir.

Q. Now, you worked up until the time of the strike?

A. Yes.

Q. Is that right?

A. Yes, sir.

Q. And you had a talk with Mr. Putnam about the C. I. O. when, for the first time?

A. Why, the 13th of March?

Q. Of March?

A. Yes, sir.

Q. Did you tell Mr. Putnam at that time that you would join the C. I. O.?

A. Yes, sir, I did.

Q. And you said to him: "If you want to let me go, George, it is O. K. with me?"

A. No, that was not that day; that was three days after that.

Q. That was three days after that?

A. When he called me into the office.

Q. That Mr. Putnam said to you there—

A. Yes, sir.

Q. But he knew back in March, at least, that you were C. I. O., a C. I. O. member, but you stayed right there until the strike on May 26th?

A. Yes, sir.

Q. Now, you were asked about being paid for some time, that is the time you spent talking to Mr. Putnam? You said you were paid for that one time, and not the other time?

A. Yes.

Q. By that, do you mean that you were not docked any time?

A. Oh, no, I was on my way home; I was through working.

Q. Both times, or just that one time?

A. Just the one time; the other time I was paid.

Q. You were paid?

A. I was on duty while we were talking.

Q. That is, you were paid just the same as if you had not talked?

A. That's right.

Q. You did not get any more or less?

A. No.

Q. Due to the fact that you did talk to him, is that right?

A. That's right.

Q. Now, the mill shut down on the 26th, and then it opened up again on the 25th of June. You were out on a strike then, were you?

A. Yes.

Q. When was it that you called up about your job?

A. The 2nd day of August.

Q. The 2nd day of August?
A. Of August.
Q. That is about six weeks after the—
A. Yes.
Q. —the mill opened up?
A. Yes.
Q. Were you here all the time?
A. I was here every day.
Q. Have you been out on the picket line some?
A. I was out, I wasn't picketing, I was around the picket lines, I called—I hauled sandwiches around to them, and coffee, at times.
Q. At different times?
A. At different times.
Q. Off and on?
A. Off and on, yes.
Q. And the first time that you talked about getting your job back, it was about six weeks after the plant opened up?
A. It was.
Q. And you knew that when the plant opened up, a lot of men went back to work right away?
A. Yes, sir.

MR. DAY: I think that is all.

MR. HOSKINS: Just a moment, Mr. Elder, one more question, please.

Redirect Examination

Q. (By Mr. Hoskins) How are you paid at the plant? By that I mean, are you paid by the hour's work, or the day's work, or the week's work?
A. We are paid on a tonnage basis.
Q. A tonnage basis?
A. Yes, sir.
Q. Do you have a flat hourly scale, in addition?
A. No, we haven't. We are paid on a tonnage basis,

and then it is figured up into hourly rates, how much—whatever it makes an hour, from the tonnage.

Q. Now, at the time that you went to this one meeting that you have testified about where Mr. Leventry and Mr. Putnam spoke, was your whole plant down at that time? I mean, did all of them go to that meeting?

A. Well, there were a few left on the floor to look after furnaces, you know.

Q. I will put my question this way: Was there any production while that meeting was going on?

A. Oh, yes, just the same, just the same.

Q. Well now, you say: "Just the same?"

A. Yes.

Q. Full production?

A. Yes, they didn't slow the production any, because the furnaces—the gas was on the furnaces just the same.

Q. Then your job is what with reference to that production? I mean, what do you do as a first helper?

A. Well, it is my duty to look after the stove, and see what the gas—see that the gas is functioning right in it, and if anything is needed to be put inside, in this steel, while it is maturing, you know, melting. I have to do that, and so on like that. When the steel is ready to tap, I have to tap it out, just turn it out of the furnace.

MR. HOSKINS: That is all.

MR. DAY: That is all.

(Witness excused.)

MR. HOSKINS: I will call Mr. Simcox.

JERRY LEE SIMCOX

a witness called by and on behalf of the National Labor Relations Board, and, having been first duly sworn, testified as follows:

Direct Examination

Q. (By Mr. Hoskins) Will you state your full name, please?

A. Jerry Lee Simcox.

Q. Where do you live, Mr. Simcox?

A. 2503 Shirley Road.

Q. Is that in Youngstown?

A. Yes, sir.

Q. Have you ever worked for the Republic Steel Corporation in Youngstown?

A. Yes, sir.

Q. When did you first start to work for them?

A. Started with Republic Steel in 1919; I worked off and on at Republic Steel since 1919.

Q. You say you have worked off and on; will you explain a little more fully what you mean by that?

A. Well, I worked there until just before the strike, around that time. In 1919 I left there and went in the Army. I put three years in the Army, came back and went to work back in Republic Steel again. I worked up into 1930, and I left the Republic Steel Company again and I came back around in 1933, or 1934, somewhere around there.

Q. Have you worked there steadily since that time?

A. Yes, sir.

Q. Do you belong to the C. I. O., Mr. Simcox?

A. Yes, sir.

Q. When did you join?

A. I joined C. I. O.—I signed a card around, I believe it was around the last of February, or the first of March.

Q. Have you ever been elected or appointed to any office in the local lodge of the C. I. O.?

A. Yes, sir, I was appointed as inside guard.

Q. When were you appointed inside guard?

A. Around the 12th of March.

Q. The 12th of March?

A. Yes, sir.

Q. Now, on or around that time, after you had been appointed inside guard, did you have any conversations with anyone in the mill about your membership in the C. I. O.?

A. Yes, sir, the superintendent of the open hearth in the Youngstown District,—and the assistant superintendent came down to me one morning about nine o'clock.

Q. Will you name those men, please?

A. Mr. Putnam is the superintendent, and Mr. George Cahill, assistant superintendent.

Q. Are they both your superiors?

A. Yes, sir.

Q. All right.

A. They came down to me, on my furnace, I was working on No. 6, as second helper I was working. They came around. I was in the pit, and dirty, so they finally left again, and I pulled my runner up, and they came back again, and I had mud all over my hands, and dirtied up pretty bad, mud on my face. They called me up and they said: "Simcox, I understand you are an executive of the C. I. O." I said: "Well, I guess maybe you might be right." He said: "How long have you been a member of the C. I. O.?" I said: "I don't know, maybe four or five months, maybe not that long, I don't know." I wasn't much interested in it. He said: "Simcox, how many followers have you got?" I said: "I wouldn't know, George, maybe three or four thousand." I didn't know whether he meant in the Republic Lodge, or the C. I. O. in general, so I just told him three or four thousand.

So they left where I was standing, and walked over to the side, and started a conversation amongst themselves, and I wasn't much interested in the conversation, so I went ahead about my work again.

So, that's all they said to me about the C. I. O.

Q. Did you have any conversation with either one of these men after this date?

MR. DAY: Will you fix the time of this conversation?

MR. HOSKINS: I am asking him if he had a conversation.

THE WITNESS: I did have a conversation.

MR. DAY: There was no time fixed for this talk.

MR. HOSKINS: Oh, I am sorry.

Q. (By Mr. Hoskins) Did you state the date, or approximately, when this conversation took place?

A. This was around, I judge around March 13th or 14th, something like that. It was right after we elected officers in the C. I. O., in our lodge.

Q. When were you elected an officer in the lodge?

A. March 13,—March 12th, I believe it was.

Q. March 12th?

A. Yes.

Q. All right.

A. It was right after that was when the pamphlet was passed out with the names of the Executive Board of the C. I. O. Lodge, that's 1331 Republic, and it also stated on that pamphlet, I believe, the next previous meeting, and gives the officers' names, and their positions. And I didn't know that pamphlet was out until after Mr. Cahill and Mr. Putnam had spoken to me about being a member, and somebody come around and says: "Why, your name is all over the bridge, on the pamphlet." That was the first I knew it was out myself, until then.

Q. Now, my last question was, to you, after this date did you have any conversation with either of these men, have any more conversation with them regarding your membership in the C. I. O.?

A. Well, it was afterwards, there, there was a little trouble on the floor there with first helpers, about when they had been taking the men off of the turns, they would take the oldest man, and shove them to the first helper. So that was about four weeks after the conversation had behind the furnace, so I met Mr. Cahill one day, and I cornered him about why I wasn't shoved up on this first helping turn.

Q. Wait a moment. Let us see if we can't fix the date. This was about four weeks after March 13th?

A. We were on day turn. The time he came behind

the furnace, and spoke to me, about the C. I. O., and that was about a week we run on day turn. That would be four weeks, the way we worked there. That was on day turn then. That was about dinner time when I cornered him about the first helping job.

Q. This is Mr. Cahill that you are speaking of?

A. That was Mr. Cahill, the assistant superintendent of the open hearth, and I stopped him and I asked him about it.

He said: "Well, Simcox, I don't know, we usually take the oldest men." He says, when their turn comes. He said: "I don't know about you, later." I said: "What do you mean, Jonesy? Just explain to me what you mean." I said: "I am here for advancement, I don't expect to be a second helper all my life, I would like to be a first helper, and maybe some day I will go melting. I would like to step up. I want to know what is the matter. I would like to improve myself."

He said: "I don't know, the last two weeks your activities don't seem very good, in my estimation."

I tried to question him a little bit. I said: "What is it?" "My work around the furnace, isn't it satisfactory? Was the foreman kicking, or what?"

He said: "No, it is just your activities. I don't know." I said: "Do you think there is any chance of me ever being a first helper?" He said: "I don't know, Simcox, according to my estimation, I don't think there is."

So that's all he said, and he walked away from me.

Q. Do you remember any other meetings in the plant at which you and Unionism were discussed?

A. I remember of a meeting we had one day when we come to work at three o'clock.

Q. About when was this, Mr. Simcox?

A. I would judge that meeting was around about maybe 10 or 15 days before the strike was called, something

like that; it was around there when they was holding the meeting.

Q. And the strike was called on what date?

A. I believe the strike was called in May.

Q. May when?

A. May 26th, I believe.

Q. This was when?

A. About 10 or 15 days before that.

Q. Tell us about this meeting? Where were you notified of it?

A. Well, the foreman came down to the floor, and he was notifying everybody, I guess, he was doing it that way.

He came up to me where I was working and he said: "Red, there is a meeting at four o'clock in the bath room." I says: "What kind of a meeting is it, John?" He said: "I don't know." I said: "I have quite a bit of work to do around the furnace." He said: "You will have to go up there, especially, anyway."

So I went up. We went in there, and everybody was sitting around. It was at four o'clock. We went around there, and pretty soon the assistant superintendent, and the superintendent, and Mr. Leventry, he came in.

So they called everybody to order, and told them to move up as close as they could. So I made it my business to get up there as close as I possibly could, because I was much interested in the meeting, and wanted to know what was going on.

Q. Let me have the identification of these men that you are mentioning, you said the assistant superintendent?

A. That is Jones Cahill.

Q. And the superintendent?

A. That is Mr. Putnam.

Q. Who is Mr. Leventry?

A. Mr. Leventry, I don't know what job he held at that time, but I think he holds a District Manager job at this time.

Q. You say these three gentlemen came in?

A. Yes.

Q. Go ahead.

A. And the first man to speak was Mr. Putnam. Mr. Putnam got up on a little bench there that we have for the men to change their clothes on when they sit down, and they have baskets in there, and he didn't talk very loud, I couldn't understand everything he was saying, he talked pretty low. So I tried to get as close as I could.

He said: "About the Company Union"—not Company Union—he said: "These Unions—" He said: "These inside Unions, and outside Unions," he says, "such as the C. I. O. and the S. W. O. C.," he says, "the Company absolutely will not recognize the C. I. O. or the S. W. O. C., or whatever you want to call it," he said.

He said: "We have treated our employees as near right," he says, "as we thought we could," and he says, "By the way things look now," he said, "I guess we will have to get a little hard on some of our employees." And he wouldn't look over in my direction. I was trying to get his attention, because I was figuring on asking him a question after the meeting was getting along. He kept on speaking, and he said: "The Republic Steel Corporation wouldn't sign no written agreements with the C. I. O., and," he said, "They wouldn't stand for any of their men doing Union activities on the Company's time inside of there for the C. I. O.," and he says if they hear of any man doing that that he would be subject to discharge.

So he went on, talked about a few more things, about scales, and the Company representation plan, what good they had done for the men, and how many slaggers they had got, for instance, on the floor.

So he closed the meeting, and turned it over to Mr. Leventry. Mr. Leventry took the floor and went practically on the same thing. He said: "The Republic Steel Corporation will not sign no agreement with the C. I. O., they will shut their plants down, and board them up first." He said

that their orders from the main people in the Republic were to do that.

So they talked a little low, I couldn't get all that they were trying to say there, and finally they closed the meeting.

When I left the meeting I got on the outside there, and there was about 15 men lined up around me; I couldn't get down to my furnace. I wanted to know what was the matter. They said: "We want to sign cards on the C. I. O." I said: "I haven't any, but I have some in my car parked outside the mill. After work tonight I will sign you up, if you want to."

So that night, after work, I think, I signed up around 60 some cards.

Q. How long did this meeting last in the wash room?

A. The meeting lasted around about 20 or 25 minutes, I believe.

Q. How many men were present, would you say?

A. Well, I wouldn't know—there was a whole turn, that one individual turn, pit men, floor men, stack house men, slag yard men.

Q. Let us fix it as nearly as you can,—10, 50, or a hundred?

A. I would suggest around about 50 men.

Q. Did you get paid for the time that you spent at that meeting?

A. Yes, sir, that is, our time went on. I don't know about the tonnage, whether the tonnage raised up much after we went in there. I know there was a lot of heats had not been worked while we were in there.

Q. Were you working on May 26th, 1937?

A. No, I was off at the time. That was our two days off, I believe, on the 27th. We would be due out on the 27th, or 26th, at three o'clock. I believe we was due out on the 26th.

Q. Was the strike on when you were due back to work?

A. I came into town, and they told me about the strike

being called, and I didn't go into work because I knew the strike was going to be called.

Q. Had you been back to work, or had any conversations with any of your superiors concerning your job, or trying to go back to work?

A. I tried to go to the employment office two different times. The first time I met a policeman between the two buildings before we got in where the employment office was, and I told him my check number, and he said: "Come back later."

So I went back two or three days afterwards, and there was three policemen there. They said: "What is your check number?" I said: "5521." They said: "What is your name?" I said: "Simcox." They said: "Oh, there is nothing in here for you. You get the hell out of here." So I moved away from there, and said nothing more about it.

MR. DAY: I move to strike that conversation out.

TRIAL EXAMINER LINDSAY: The motion is denied; let the record show an exception on behalf of the Respondent.

(Exception on behalf of the Respondent.)

Q. (By Mr. Hoskins) Now, have you called or talked with anyone else?

A. So I called in one day, and called for Mr. Putnam's office, and the telephone was answered, and a man says: "Who is this talking?" I said: "Simcox." He said: "What do you want?" I said: "I want to know if I have a job." He said: "No," and he hung up on me right away, didn't wait for any further conversation.

Q. Was that the last time you have talked—

A. Yes, that was the last time I have talked with them.

Q. When was that, would you say?

A. I would judge that was about a week or 10 days ago.

Q. About a week or 10 days ago?

A. Yes, sir.

MR. HOSKINS: That is all.

Cross Examination

Q. (By Mr. Day) When was it that you went back the first time? That is, when you saw the policeman?

A. That was about three days before I called up down at the mill.

Q. And you called up down at the mill about a week or 10 days ago—

A. Yes, sir.

Q. —was it about three days before that that you went back and saw the policeman?

A. That I was down at the Bessemer plant, tried to get into the employment office to register. That's what I understand we had to do, was register at the employment office.

Q. Was that the first time you tried to go back to work?

A. I tried to go back about a week before that. I went down and asked the man to go in and register. He asked my number. I told him the number, and he said: "Come back later."

Q. Was that the first time?

A. That was the first time, yes.

Q. Now, this is the 20th of August, a week or 10 days ago, we will say, was about the 10th of August?

A. Yes.

Q. That is the time you telephoned?

A. Yes, sir.

Q. Was it three or four days before that that you went down to the plant?

A. Yes, sir.

Q. Was it about a week before that that you went down the first time?

A. I judge about two days before that.

Q. Just a few days before that?

A. Just a few days before that.

Q. Then, would you say that it was some time after the 1st of August that you tried to go back the first time?

A. Well, I wouldn't be—I didn't just keep the date in mind.

Q. I know you did not, and I am just trying to get your best judgment, that is all.

Was it three weeks ago, or about three weeks ago? This is the 20th of August.

A. It was on or about that time, I believe.

Q. On or about. Of course, the plant closed down on the 26th of May and the strike was called?

A. Yes, sir.

Q. And then the plant opened up on the 25th of June?

A. Yes, sir.

Q. You were here at that time, were you?

A. Yes, sir.

Q. Were you out on a strike at that time?

A. Yes, sir; I am still out on a strike.

Q. Were you doing some picket duty from time to time?

A. Yes, sir.

Q. You know that quite a number of men did go back to work when the plant opened up about the 25th of June, do you not?

A. I don't know how many men went back. I didn't have a chance to get in there to find out, myself.

Q. I know you do not know how many, but you do know, and have heard, that quite a number did go back, at that time?

A. Yes, I have heard.

Q. You joined the C. I. O. when?

A. Around the last of February, or the first of March, somewhere around there.

Q. How long had you worked for Republic Steel Corporation before C. I. O. called the strike?

A. I started back to work in the Republic around '33, some time around '33 or '34.

Q. Did you work for years pretty steadily before C. I. O. called the strike?

A. No, we had slack times, and I was on the slag gang, in the open hearth there. We worked there maybe one or two days a week, there, a while, and then it was down to six, seven, eight furnaces.

Q. And you started to work for Republic Steel Corporation a good many years ago?

A. Yes, sir.

Q. You were a member of the Executive Committee of the C. I. O.?

A. Yes, sir.

Q. And you told Mr. Putnam and Mr. Cahill, the man you called Jonesy—what was his name, Cahill?

A. Jonesy Cahill, yes.

Q. Jonesy was his first name?

A. Yes.

Q. And Jonesy was his nickname?

A. Yes.

Q. And you told him and Mr. Putnam that you were a member of the C. I. O. for the first time about January, would you say?

A. Around about the 13th to 14th of March, when they questioned me about it.

Q. And you had your job at the Republic Steel Corporation up until the time of the strike?

A. Yes, sir.

MR. DAY: I think that is all.

MR. HOSKINS: No further questions.

MR. DAY: Wait a moment—that is all.

(Witness excused.)

TRIAL EXAMINER LINDSAY: Off the record.

(There was a discussion off the record.)

TRIAL EXAMINER LINDSAY: On the record.

MR. LAUTER: Mr. Examiner, will you make the announcement that witnesses under subpoena must come back?

TRIAL EXAMINER LINDSAY: Just a moment.

All those witnesses who are under subpoena must be here in the morning, and no witnesses excused from the court after they have testified until they have been excused by the attorney representing the Board.

Now, each witness who leaves the witness stand, will you just go and see the attorney and ask him if there is any reason you should come back or stay?

We will adjourn until 9:30 o'clock in the morning.

(Whereupon, at 5:00 o'clock p. m., August 20, 1937, the hearing was adjourned until August 21, 1937, at 9:30 o'clock a. m.)

Courtroom No. 6,
Mahoning County Courthouse,
Youngstown, Ohio
Saturday, August 2, 1937

The above-entitled matter came on for hearing, pursuant to adjournment, at 9:30 o'clock a. m.

Before:

JOHN T. LINDSAY, Trial Examiner.

Appearances:

MARK LAUTER, Esq.,
OSCAR GROSSMAN, Esq., and
JOSEPH A. HOSKINS, Esq.,
appearing for the National Labor Relations Board.

LUTHER DAY, Esq., and THOMAS F. VEACH, Esq., of the firm of Messrs. Day, Young & Veach (1420

Union Trust Building, Cleveland, Ohio), and

T. F. PATTON, Esq., Republic Building, Cleveland, Ohio.

DAVID E. JONES, Esq., and

CHARLES F. SMITH, Esq., (Canton, Ohio),

appearing for the Respondent, the Republic Steel Corporation.

PROCEEDINGS

TRIAL EXAMINER LINDSAY: The hearing is called to order.

MR. HOSKINS: Mr. Opalcih.

JOHN OPALCIH

a witness called for and on behalf of the National Labor Relations Board, being first duly sworn, was examined and testified as follows:

Direct Examination

Q. (By Mr. Hoskins) State your full name, please, Mr. Opalcih.

A. John Opalcih.

Q. Where do you live, Mr. Opalcih?

A. Wardwell Avenue.

Q. You will have to speak a little bit louder. I did not hear you.

A. Wardwell Avenue.

Q. Whereabouts on Wardwell Avenue?

A. 2955.

Q. 2955 Wardwell Avenue.

TRIAL EXAMINER LINDSAY: Try and raise your voice.

Q. (By Mr. Hoskins) Is that in Youngstown?

A. Yes.

Q. Have you ever worked for the Republic Steel Corporation?

A. Yes.

Q. When did you first start to work for them?

A. In 1915, August 15th.

Q. I did not hear the last part of your statement.

A. 1915.

Q. You started to work for the Republic Steel Corporation in 1915?

A. 1915.

Q. In what department?

A. That is plate mill, and bar mill, both mills.

Q. In the plate mill and the bar mill, both places?

A. Yes, sir.

Q. Is that here in Youngstown?

A. Yes.

Q. Your answer is "Yes" on that?

A. Yes, yes.

Q. Have you worked steadily for them since you first went to work?

A. Yes.

TRIAL EXAMINER LINDSAY: What was that last answer?

THE WITNESS: Yes.

TRIAL EXAMINER LINDSAY: Just talk right out; do not be afraid of it.

Q. (By Mr. Hoskins) Do you know a Mr. Warnock?

A. That's my superintendent.

Q. Mr. Warnock is your superintendent?

A. Yes.

TRIAL EXAMINER LINDSAY: How do you spell that?

MR. HOSKINS: Wa-r-n-i-c-k is the way I have it here.

MR. SMITH: Better have an "o" where you have an "i," I think.

MR. HOSKINS: W-a-r-n-o-c-k.

BY MR. HOSKINS:

Q. While you were working in the mill prior to the strike, did you have any conversations with Mr. Warnock regarding your membership in the C. I. O.?

A. Yes, there was 19—yes, that 25, he come in there down to me, in my place where I work, second floor.

Q. Just a moment, Mr. Opalcih. Where was this?

A. That is the 26th, the same day as is the strike.

Q. The 26th, the same day as the strike?

A. Yes.

Q. Then that would be the 26th of May?

A. May.

Q. You say he came into where you were working?

A. Yes.

Q. Was he alone?

A. He come in—I start at three o'clock in the afternoon.

Q. You start working at three o'clock?

A. Three o'clock in the afternoon.

Q. All right.

A. And he come in about 20 minutes after four. Mr. Warnock and his foreman, shift foreman.

Q. Who is this shift foreman?

A. He is Nick—Mr. Warnock's pusher, he is Nick. I don't know his last name, I couldn't tell you.

Q. Now you say they came in. What do you mean by that, they came into where you were working?

A. Yes, he came in over upstairs down to the transfer table where I work.

Q. You work at the transport table?

A. Yes, I work at the transfer table, I work like here (indicating), the controls here, and he come back over here in the door, like here (witness indicates), back of me. He said: "Oh, John, hello." I say: "Hello." I ain't got no time, because one man work, he is too busy. And he say: "Somebody told me you belong to the C. I. O." I say:

"Yes." He say: "All right, anythings trouble coming, I kick you down on the bridge, center street bridge."

Q. Who was it said that to you ?

A. His helper, Mr. Warnock's helper, and the shear foreman, standing back of him, he don't say nothing.

Q. Mr. Warnock—

A. Helper.

Q. Which one of them made the statement that you just related, was that Mr. Warnock or his helper?

A. Mr. Warnock.

Q. It was Mr. Warnock?

A. Yes.

Q. All right. Is that all he said?

A. That's all he say. I say: "Listen, Mr. Warnock, you can throw me now, if you want, no have to wait, you are superintendent. You can throw me out."

He say: "All right, you going to get yours." All right, 11 o'clock, I don't know nothing about a strike come. I passed 11 o'clock on the bridge, and a couple of guys over there—"Is finish—strike." Well, I am out.

Q. Then you left the mill that night at 11 o'clock and the strike was in process at that time?

A. Yes.

Q. Have you been back to the mills since then?

A. I no go in the mill, only I go couple times down because I live far away, I don't go any more because I have to take street car.

Q. Have you been back to try to get your job?

A. I no in over there, but pass couple of times on the picket line down at the Center Street Bridge. Well, I pass lots of times on the street level, Mr. Warnock no see me no time. Mr. Callahan, some other guys see me up on the bridge. Well, after I go up in the mills, I am going down there on the mill morning—that is 25th, isn't it?

Q. You say it was the same day they opened the mills?

A. Yes, the same day they opened the mills, that is Monday, they opened the mills.

Q. Is this when they opened the mills in June?

A. June.

Q. Monday the 25th?

A. Yes.

Q. All right.

A. He is open mill. Well, my boss, he say, "Daddy, if you go in the mill?" I say, "Well, I have to go, they open mill, everybody go, I go too." "Well," he say, "all right, come on, let's go."

I go in the mill. My boss goes inside, Mr. Warnock stay over there in the office, the door like here (indicating). He is stay over there, he look to me, I come over there, he jump to me like you know—just like you know a dog jump, want to bite you, he jump to me, "Didn't I tell you before to get the hell out of that bridge? Now, get the hell out of here, I don't want to see you."

Q. Who made this statement to you?

A. Mr. Warnock.

Q. Mr. Warnock, your superintendent?

A. Yes, superintendent.

Q. All right.

A. I get out, he is boss. If I stay down there he gets policeman, chase me up to jail, so I get out. I get out about 30 feet past the plate mill on the bridge, I pass down there and he come back to me, he say, "John, John, come back here."

Well, I come back again, he say, "Listen, you stay on the picket line," tell me this way and this way, I don't want to talk to nobody like that, he is a man, he told me anything, he say, "Come on in the office."

I say, "Listen, I have got enough, what you tell me right now, I don't go in the office. I will go home. You tell me first time to go and now you tell me anything you wanted and I didn't want it."

Q. What was it he told you?

A. Oh, I don't want to talk like that, there is too many peoples.

TRIAL EXAMINER LINDSAY: Tell us what he said.

THE WITNESS: Oh, he say, "God damn son-of-a-bitch you, I will tell you stay over there on the bridge on the strike, now you come in here, go and get the hell out of here."

I say, "Listen, I go there lots of times, like my boys."

He says, "Boys all right, not you," because boys got Republic union cards, only I don't take it. He mad for me.

And after that he say, "Well, get the hell out of here, any how, I don't want you."

I say—after that I say, "O. K."—I tell him o. k., he boss over there, he is going down to his office, office down on Center Street Bridge, he has got big office.

He is going back, he say, "Well, if you are wanted I will call you up." I don't go down there, he never call up to me.

Q. He has not called you yet?

A. No.

Q. Mr. Opalcih, do you belong to the C. I. O.?

A. Yes.

Q. When did you join?

A. 15th of May.

Q. The 15th of May? And this conversation that you related you had with Mr. Warnock while you were working, that was on the day of the strike?

A. That is on the same day.

Q. The 26th of May?

A. Yes, somebody told him, see? Some guys tell him, because any guys—he has got a couple of guys down in the mill, he is going over there to join that Republic Iron &

Steel union. Well, I tell him I don't want it. Only he gets mad for me.

Q. You say you were asked to join a union?

A. Yes.

Q. By whom?

A. He told me, "If you no join the union, well he throw me out." Couple of times he told me. I tell him I don't want to take no union.

Q. Who was it asked you to join this union?

A. Some guy over there, work on the stocker.

Q. What does the stocker do?

A. You know, charge him up, charge up steel in the furnace.

Q. Approximately, in time, when was it?

A. Before two weeks has passed in the mill, bar mill and plate mill, ask anybody there.

Q. I didn't understand that answer.

A. That guy is in the bar mill and plate mill, same superintendent in both mills, he talk to the guys, "Go ahead, stay in the union. If you don't, well you lose your job." Well, I tell him lots of times I didn't want it.

MR. DAY: Who is he talking to?

TRIAL EXAMINER LINDSAY: Off the record, Mr. Day.

(Discussion off the record.)

Q. Let me see if I can't clear up this last incident you have been telling us. You say this was a stocker who approached you to join?

A. Yes.

Q. Do you know his name?

A. Johnny Kology.

Q. You don't know how to spell that, do you?

A. No, I couldn't tell it.

Q. He is a stocker?

A. He is a stocker.

Q. What department does the stocker work in?

A. In the plate mill.

Q. In the plate mill?

A. In the plate mill, sometimes the same mill.

Q. Is he a foreman of any sort?

A. No, he is no foreman, just a workingman.

Q. Is he a representative under the employees representation plan?

A. No, he is no representative, he has got another one to bar mill.

Q. About when was this that he approached you to join the union?

A. About two weeks before the strike.

Q. About two weeks before the strike?

A. Before strike.

Q. Where were you when he approached you?

A. I am down there in the mill.

Q. You were down there working?

A. Working.

Q. Did he come up to your table where you were working?

A. Yes, he call to me where I work. He tell me, "John, stay in the union."

MR. DAY: I object to this conversation.

TRIAL EXAMINER LINDSAY: The objection is overruled, let the record show an exception. Off the record.

BY MR. HOSKINS:

Q. Did he tell you what the name of this union was?

A. He tell me that name, only I forget. I don't want it. He has got the other card.

Q. It was a yellow card?

A. Yes.

MR. DAY: I object to this conversation between this witness and the stocker, on the ground that there is no showing that the stocker was an agent or officer of the respondent, he had no authority to bind the re-

spondent, or that the respondent had any knowledge.

TRIAL EXAMINER LINDSAY: Objection overruled. Let the record show an exception.

BY MR. HOSKINS:

Q. Mr. Opalcih, I show you Board's Exhibit 55, is that the kind of a card that he handed you?

A. That is the same one, he give it to you once, and he take one for himself, the same one.

Q. You say he gives you one part of it?

A. Yes.

Q. And keeps the other part himself?

A. You sign up—if you sign up.

Q. Did you sign one of these cards?

A. No, I don't want it.

Q. Well, when was it you stated you went to work in the Republic Steel?

A. 1913.

Q. 1913?

MR. HOSKINS: I believe that is all.

Cross Examination

BY MR. DAY:

Q. You say this yellow card, Board's Exhibit No. 55, is the kind of a card the stocker showed you?

A. Yes, that's the thing, the same card.

Q. How do you know it is the same card?

A. Same card, because he explained to me, and showed me right here, like you show me right now.

Q. Did you read it?

A. I read it, I say: "Johnny, I don't want it."

Q. My question is, did you read the card, what it said on it?

A. I ask him first, I say: "Johnny, what you mean that card, that's a C. I. O. card?" He say: "No that's a Company Union." I say: "I don't want it."

Q. I am asking you, how do you know this card here was the same kind of a card, just because it is yellow, is that the reason?

A. Yes, Johnny told me, Johnny told me that's a Company Union. Here is a guy—

Q. Listen to my question. Did you read the card?

A. I working,—I don't read the card. I just ask him what kind of a card. He say: "Republic Union." I say: "I don't want it."

Q. You have been out on the picket line, have you not?

A. Yes.

Q. And carrying a club out there?

A. Yes, sure.

Q. A ball bat?

A. Oh, I carry a stick—

Q. What kind of a club have you been carrying out there?

MR. HOSKINS: I object, your Honor.

A. I have been—

MR. DAY: Wait a moment, wait until the Court passes on the objection.

I think it is the same situation that we had presented down at Canton.

TRIAL EXAMINER LINDSAY: Yes, I think I will overrule the objection and let the record show an exception.

(Exception by Board.)

BY MR. DAY:

Q. What kind of a club were you carrying?

A. That's a club like if somebody come in and say: "Hit my kids—" You see, I have kids—don't cry anyhow.

Q. How?

A. If you hit little kids—my children—and they don't cry anyway, that little stick (witness indicates).

Q. A little stick about that long (indicating)?

A. Not—like finger (indicating)—that's all.

Q. You are indicating. How long was this stick that you carried?

A. Oh, I take it over there about four days.

Q. How long was it?

A. Oh, about—well, two feet.

Q. Two feet?

A. Yes.

Q. Was it made of wood?

A. Wood, a piece of wood.

Q. Did you carry anything else besides that?

A. Absolutely no.

Q. What?

A. Absolutely no.

Q. How many times have you been on the picket line?

A. Seven.

Q. Seven times?

A. Seven times.

Q. Since the strike began?

A. Yes, after strike, I say seven times, because I got no time to go in the picket line. Anybody tell me, go ahead, I got no time, because I get cow, and I got three acres ground, and I work on the ground.

Q. You got a cow?

A. Yes, I got hay, and I got no time to go on a picket line.

Q. Do you live on a farm ?

A. I live over at Stop 25 Sharon line.

Q. What is that?

A. I live over at Stop 25, Sharon line, that's six miles away.

Q. You have got a little farm out there of some kind, have you?

A. Yes, three acres ground.

Q. You joined the C. I. O. on about the 15th of May?

A. 15th of May.

Q. That is only 10 or 11 days before the strike?

A. 10 or 11 days before the strike, because I don't want to take it before, because I got a big family, I don't want it.

Q. You started to work for the Republic Steel Corporation in 1915?

A. In 1915.

Q. You worked there for about—right along, straight up to 1937?

A. Yes, sir.

Q. Over 20 years?

A. That's 22, straight years.

Q. And I suppose you worked part of the time, and you were off part of the time?

A. Always part time, no work, just I go lots of time, and there is depression, I work, I just make them the $450 for a year.

Q. During the depression?

A. Yes, and I stay home, I lay off.

Q. Then the C. I. O. came along this spring, and called a strike, did it not?

A. Yes.

Q. And about 10 days before the C. I. O. called the strike, you joined the C. I. O.?

A. I joined the C. I. O.

Q. When did you start to wear your button, right away?

A. No, I start the C. I. O., there is a meeting down there in Roumanian Hall on Poland Avenue, there was a meeting down there one day, one Sunday, and I go down there, and I hear talk, and I sign up.

Q. Well, did you tell your boss you had joined the C. I. O.?

A. Yes, he come in over there that time, he come over there where I work. He says: "John, somebody saw you, somebody told me you C. I. O. man?" I say: "Yes."

Q. How long was that before the strike?

A. That same day, that Monday.

Q. The same day of the strike?

A. Strike 11 o'clock, and he come in about 20 minutes after four.

Q. Did you wear your button before the strike?

A. No, I don't got button in the mill.

Q. You did not?

A. No, because I tell you the truth, I am scared.

Q. You were scared?

A. Sure, I was scared. If I go outside, I carry it.

Q. Were you scared out on the picket line when you had a club?

A. When the strike coming, I don't get scared.

Q. All right. Now, when the mill opened up about the 25th of June—

A. Yes.

Q. —the strike was still on, was it not?

A. When they open the mill, I hear in the paper, I see in the paper is open mill.

Q. Yes.

A. All right, my boys say: "Pa, here is in the paper is mill open tomorrow morning. What are you going to do?" I say: "Have to go, I think." Well, in the morning, he get up and take me over, and go ahead. All right, I go right to the mill.

Q. Did your boy work in the mill?

A. My boy just those couple same days—same days—that's Monday, makes—

Q. What mill—wait a moment—in what mill did your boy work?

A. In the plate mill, plate mill.

Q. In the same mill that you did, you say?

A. Yes.

Q. He did not join the C. I. O.?

A. No.

Q. He did not go out on strike?

A. No, he didn't go no place.

Q. The day the mill opened up, you went back with your boy?

A. Yes, I went to—I go down to the mill, and he throw me out. My boy coming home, he say: "Ma, Father lost the job. He take punch card out with him, and everything, he lost the job." And my mother raise me hell, what is matter, I no go to work, I lost the job, with seven kids and what the hell going to do? I say: "Five years before, I no work, I no die, I no die yet. You see I lost, I lost."

Q. Well, you worked for those seven kids up until the time the C. I. O. came to Youngstown, did you not?

A. What is that? All right.

MR. HOSKINS: I object to that, your Honor.

TRIAL EXAMINER LINDSAY: Yes, that objection is sustained. There is one other question in the record, Mr. Day. You should correct your question so as to comply with the witness' testimony. Now, your question asked if that was the day that he was carrying the club. The testimony that he gave showed that he had a stick two feet long and about as big around as his first finger. I would not call that a club.

MR. DAY: Well, the record may show that the club refers to the stick that is described by the witness.

BY MR. DAY:

Q. You never carried a ball bat?

A. I got no—nothing over there—I got no gun, no knife. I don't carry, because I got no gun to my house either, how long I live over there in Youngstown. I got property, and is given to me two years ago, I never buy down there, I don't bother this way.

MR. DAY: I guess that is all—wait a minute.

BY MR. DAY:

Q. Are you working now?

A. No, sir, he don't call me up, I don't go.

MR. HOSKINS: That is all.
(Witness excused.)

FELIX VOLEZISSI

a witness called for and on behalf of the National Labor Relations Board, being first duly sworn, was examined and testified as follows:

Direct Examination

BY MR. HOSKINS:

Q. State your full name.

A. Felix Volezissi.

TRIAL EXAMINER LINDSAY: Miss Reporter, will you please repeat that name and the spelling of it?

THE REPORTER: Felix—F-e-l-i-x—Volezissi—V-o-l-e-z-i-s-s-i.

BY MR. HOSKINS:

Q. Is that spelled correctly?

A. Yes.

Q. Mr. Volezissi, where do you live?

A. 2424 Shirley Road.

Q. Have you ever worked for the Republic Steel Corporation?

A. Yes, sir.

Q. When did you first start to work for them?

A. In 1915.

Q. In 1915?

A. Yes, sir.

Q. Have you worked for them steadily since 1915?

A. Yes, sir.

Q. What departments have you been in down there?

A. Master mechanic department.

Q. Is that the only one?

A. Yes, sir.

Q. You have been there the entire 22 years?

A. Yes, that's engine house, and pump house, belongs to master mechanic.

Q. Do you belong to the C. I. O.?

A. Yes.

Q. When did you join the C. I. O.?

A. Last April.

Q. The last part of—

A. Last April.

Q. The last part of April?

MR. DAY: No, he said last April.

(Answer read by Reporter.)

MR. HOSKINS: That is right. I am wrong.

BY MR. HOSKINS:

Q. Did you wear your button as soon as you joined?

A. Yes, sir.

Q. Do you remember May 26th, 1937?

A. What you say?

Q. Do you remember May 26th?

A. Yes.

Q. What happened on that date?

A. The strike.

Q. There was a strike?

A. Yes.

Q. Did you go to work on that day?

A. Yes, I work—I work from 11 o'clock, 11 to seven.

Q. You were supposed to work from 11 to seven?

A. Yes.

Q. Did you go to work at 11 o'clock?

A. I can't get in.

Q. You could not get in. Now, during the strike, were you in the picket line?

A. Yes, sir.

Q. Have you been back to the mill since that day, in order to get your job?

A. Yes, I come back—on the 28th of June.

Q. On the 28th of June?

A. Yes.

Q. Who did you see when you went to the mill?

A. Mr. Manley.

Q. Mr. Manley?

A. Yes.

Q. What is Mr. Manley's position, do you know?

A. Yes, he say he got nothing to do for me.

Q. No, what is his job down there? Who is Mr. Manley?

A. That's master mechanic.

Q. He is the master mechanic?

A. Yes.

Q. What was it he said to you?

A. He say—I was in his office, on the 28th when was open the gates, and had policeman on there.

Q. Wait a moment, you were in his office on the 28th?

A. Yes. He say: "You want to see me?" He say: "What I got to do for you?" I say: "You the boss."

Q. When he said to you: "What have I got to do for you?"

A. Yes.

Q. You said: "You are the boss?"

A. "You are the boss."

Q. All right.

A. He say: "You was on the picket line?" I say: "Yes." He say: "I send you on the picket line again."

Q. He said to you: "I will send you on the picket line again?"

A. Yes. He called up the policeman, and he chased me out.

Q. Then he called up the policeman? He had you chased out?

A. Yes.

Q. And you have worked there since 1915?

A. Yes.

Q. That is 22 years?

A. Well, I would think—I was off about 1915. I was off about five or six months. In 1917 I work all on the job, on the boiler house, and in 1917—1926, I worked in the boiler house. In 1926 to 1937 I work in the pump house.

MR. HOSKINS: That is all.

Cross Examination

BY MR. DAY:

Q. You worked from 1915 to 1937?

A. Yes.

Q. Here in Youngstown? All of that time?

A. All the time.

Q. Then the C. I. O. called a strike last May?

A. Yes.

Q. And the mill shut down?

A. Shut it down, yes.

Q. And since that time you have not worked at Republic?

A. No, sir.

Q. You joined the C. I. O. some time in April?

A. Yes, last April.

Q. And you wore your button from the time you joined?

A. Yes.

Q. And you had your job until the strike came, May 26th?

A. Yes.

Q. Can you give us some idea as to what day in April, or what time in April, you joined the C. I. O.? Was it the first of April, the middle of April, the last of April?

A. The last.

Q. The last of April?

A. Yes.

Q. Then you had been a member of the C. I. O. for about a month before the strike came?

A. Yes.

Q. Now, you say you were out on the picket line?

A. Yes, I was on picket line.

Q. Who was your picket captain?

A. I don't know what was the name.

Q. How often and how long were you on the picket line?

A. All the time.

Q. All the time?

A. Yes—what I got to tell you?

Q. What?

A. All the time I was on the picket line.

Q. At what plant?

A. I was any place.

Q. What?

A. Any place.

Q. Well, you were at different plants then, were you?

A. I was No. 5, I was 7.

Q. You say No. 5?

A. No. 7.

Q. No. 7, is it?

A. No. 7.

Q. Did you do some picketing up on Poland Avenue?

A. How?

Q. Did you do some picketing up on Poland Avenue?

A. No, Poland Avenue? Is all Poland Avenue?

Q. On Poland Avenue?

A. Yes.

Q. Did you do some picketing at Stop 5?

A. Yes.

MR. DAY: I think that is all.

MR. HOSKINS: That is all.

(Witness excused.)

MICHAEL KRILL

a witness called for and on behalf of the National Labor Relations Board, being first duly sworn, was examined and testified as follows:

Direct Examination

BY MR. HOSKINS:

Q. State your full name.

A. Michael Krill.

Q. Where do you live, Mr. Krill?

A. 229 Williamson.

MR. SMITH: I did not get your name.

THE REPORTER: Michael Krill, K-r-i-l-l.

Q. Your address you say is 229 Williamson?

A. Yes.

Q. Have you ever worked for the Republic Steel Corporation?

A. Yes.

Q. When did you first start to work for them?

TRIAL EXAMINER LINDSAY: Talk a little louder, Mr. Krill.

A. March, 1936.

TRIAL EXAMINER LINDSAY: That is better.

BY MR. HOSKINS:

Q. And in what department did you work, Mr. Krill?

A. I started in the mason gang, in the open hearth.

Q. The mason gang in the open hearth?

A. That's where I started.

Q. Did you keep that job all the time?

A. No.

Q. Where were you transferred to?

A. Inspection department. I worked there for a couple of weeks, and then I quit the mill for a couple of months.

Q. You worked in the inspection department for a couple of weeks?

A. Yes.

Q. And then you quit for a couple of months?

A. Yes.

Q. Then when did you go back?

A. I went back in July of 1936.

Q. You went back in July of 1936?

A. Yes.

Q. In what department did you go into then?

A. Galvanizing department.

Q. The galvanizing department?

A. Yes.

Q. What was the last day you worked in the galvanizing department ?

A. On May 26th.

Q. On May 26th?

A. Yes.

Q. Of this year?

A. Of this year.

Q. Now, this time while you were working in there, were you approached and asked to join any union in the plant?

A. Yes, just prior to the strike, about a week before the strike, I was working at my job, and a fellow come and said he was supposed to take my place while I went into the office. and so I went, and my turn foreman, and general foreman, was standing outside the office.

Q. Just a moment, who are your general foreman and your turn foreman?

A. Fisher is the turn foreman, and Linden is the general foreman.

Q. Fisher is the turn foreman and Linden is the general foreman?

A. Yes.

Q. How do you spell that?

A. I don't know how to spell it.

Q. All right.

A. Well, he told me to go inside the office, and I went in there and the representative was seated at the general foreman's desk.

Q. In what years were you elected representative?

A. 1934 and '35 and '36.

Q. What is this representative's name, do you know?

A. Amel Valley.

Q. How do you spell his name?

A. The first name is A-m-e-l.

Q. And the last name is Valley?

A. Valley. Well, he asked me if I wanted to join the independent federation.

MR. DAY: Who was talking?

MR. HOSKINS: I believe the witness has testitified that the general foreman and the foreman.

Q. Is that right?

A. Yes, sir.

MR. DAY: Were [you] in this conversation?

MR. HOSKINS: No.

Q. You were instructed by them to go inside?

A. Yes, sir.

Q. And that this representative who was inside is the man carrying on the conversation, is that right?

A. That is right, the representative.

MR. DAY: Representative of what?

MR. HOSKINS: Under the employees representative plan.

MR. DAY: I object to that on the ground that the man with whom this witness had the conversation had no authority to represent the respondent, no evidence of knowledge or authorization on the part of the respondent; incompetent, irrelevant and immaterial; it has no bearing on any issue presented at this meeting.

TRIAL EXAMINER LINDSAY: May I ask, Mr.

Day? I understood that the man with whom he was talking was the foreman out there.

MR. DAY: No, he was the representative—member of the representative plan or something or other, that is what I understood. Is that right?

MR. HOSKINS: I believe the testimony will show that Mr. Krill was working, he was sent for and somebody else was placed on his job and that he was told by his foreman and general foreman to go in the office.

THE WITNESS: That is right.

MR. HOSKINS: In the office this employees representative was sitting and at the general foreman desk, and this representative and Mr. Krill are the two men in this conversation.

TRIAL EXAMINER LINDSAY: Who was the foreman sent him in?

MR. HOSKINS: It was a foreman and general foreman.

BY MR. HOSKINS:

Q. Is that not right?

A. That is right.

Q. Their names were—

A. Fisher was the turn foreman. Lindy was general foreman.

MR. DAY: He stated a man came to him and told him. He didn't say the foreman.

MR. HOSKINS: Didn't he also state that as he passed his general foreman and his turn foreman—

TRIAL EXAMINER LINDSAY: Let's not argue. The objection is overruled. Let the record show an exception.

BY MR. HOSKINS:

Q. All right, now, what was the conversation that went on in the office?

A. He asked me if I wanted to join the independent federation of the Republic employees.

Q. And what did you tell him?

A. I told him no.

Q. Did he show you any of the membership cards in this federation?

A. Yes.

MR. DAY: I do not want to interrupt, but has he stated the name of the man that he talked to?

MR. HOSKINS: Yes, sir, he has stated it in this record.

MR. DAY: What was his name?

MR. HOSKINS: Amel Valley.

MR. DAY: All right, I beg your pardon. I didn't get it.

BY MR. HOSKINS:

Q. I show you Board's Exhibit No. 77 and ask you if that is the kind of a card he showed you at that time?

A. That is the one.

Q. Was that all there was to the conversation?

A. No, he said there wasn't very much use talking to me about joining that, because he knew I was 100 per cent C. I. O., but he said he was supposed to talk to everyone in the plant. Then he told me I would be better off by joining that independent federation, though.

Q. And did you reply to that?

A. I says I would not join it.

Q. How long were you away from your job at that time, would you say?

A. Oh, about 15 minutes, I guess.

Q. Did you get docked for the time?

A. No.

Q. Do you belong to the C. I. O., Mr. Krill?

A. Yes.

Q. When did you join?

A. January, 1937.

Q. January of 1937?

A. Yes.

Q. Have you been fairly active in the C. I. O.?

A. Well, I have.

Q. Now, on May 26th, 1937, were you working that day?

A. Yes.

Q. On what turn were you working?

A. 7 to 3, day turn.

Q. 7 until 3?

A. Yes.

Q. And the strike was called that night, is that correct?

A. That is right.

Q. You stayed out on strike?

A. Yes.

Q. Have you returned to the mill since that date?

A. On June 28th.

Q. On June 28th you returned?

A. Yes.

Q. Will you tell us what transpired when you went down there?

A. Well, it was about 5:30 p. m. when I got down, or more, close to 6 o'clock, and I seen a general foreman and asked him when I should come out to work.

Q. Is that the Mr. Linden you have referred to?

A. Mr. Linden. Well, he didn't look pleased to see me. Well, he said I should come out at 7 o'clock that same day.

Well, I told him it was pretty late for me to go home, change clothes and get lunch and be back in time, and furthermore, that day I broke my glasses, but I told him I didn't want to work without them, I asked him if it would be all right if I could come on the following morning.

He said yes, just so I make it before the dead line. Well, I asked him if he knew when the dead line was going to be and he said no.

So the following morning I came out and he told me, "It is too late."

Q. What time did you get there the following morning?

A. I rang my card about 6:30, it was.

Q. Your card was in the rack?

A. Yes.

Q. And you rang it about 6:30?

A. About 6:30 in the morning.

Q. How soon after that did you see Mr. Linden?

A. I had to wait until about 10 minutes to 7 until he come.

Q. What was it he said to you, then?

A. He said it was too late. He said, "The dead line is already in effect," and I asked him if he knew that on the 28th, when the dead line was going to go into effect. He said, "Yes," but he didn't want to tell me.

Q. He stated that he had known, the night before, when the dead line would be?

A. Yes.

Q. But that he didn't want to tell you?

A. That is correct.

Q. Now, this morning he told you that the dead line had already gone into effect, and you were too late?

A. Yes.

Q. I see, what did you do?

A. Well, he told me I would have to get rehired. He told me to go down to the employment office and re-register. And then I went down to the employment office and re-registered that day. That following night I went out to work.

Q. Did you see anybody?

MR. DAY: I didn't understand, the following night he did what?

(The record was read by the Reporter.)

THE WITNESS: It was that same date, June 29.

MR. DAY: Went out to work?

THE WITNESS: I went out to work that night, too.

Q. When you went to the employment office, did you see anyone down there?

A. I seen Rose.

Q. Who is Rose?

A. Employment manager.

Q. Did you have any conversation with him?

A. Well, he looked at my pay stub and the assistant handed him a card that he looked at and he said, "That is all."

Q. Now, you see you went out to work again that night?

A. That night.

Q. Tell us the circumstances, will you?

A. This Ziegler, the turn foreman, he was going to put me to work until I told him my time card was not in the rack. Then he didn't know what to do, so he called up Linden, and Linden told him if my card was not there, to send me home.

Q. What time of the night was this?

A. That was 11 o'clock.

Q. 11 o'clock, and you went home at that time?

A. Yes.

Q. Was there any explanation given you why your card was not in the rack?

A. No explanation.

Q. All right. Did you go to the mill again after that date?

A. On July 1st I went to the employment office, but the police would not let us anyway close to it.

Q. All right, have you been back to the mill since then?

A. Well, I called up the boss in July—no—yes, I

called up the boss a couple of times, Linden, and he told me that when they needed me they would send my number in to the employment office, to get rehired.

Q. I didn't understand you, did you say he would send it in, or he had sent it in?

A. He would.

Q. He would send it in? All right.

A. Then on July 30th the numbers were sent in for almost all of the fellows in our place, to get rehired.

Q. How do you know that?

A. I talked with most of the fellows personally.

MR. DAY: I move that be stricken out, what he learned from the fellows.

MR. HOSKINS: Well, just a minute, if I may.

Q. Did you learn whether your number had been turned in or not?

A. Yes.

Q. Who told you that?

A. Linden told me that.

Q. Mr. Linden told you your number had been turned in?

A. Yes.

TRIAL EXAMINER LINDSAY: I will overrule the objection. Let the record show an exception.

Q. All right. Now, I believe you stated you called Mr. Linden a couple of times?

A. Yes.

Q. And then were you down to the mill at any time? After that date?

A. Yes, on August 13th I went down there to get some clothes out of there, and Linden seen me and the first question he asked was if I was running out of groceries, coming back there, so I said no. There was a policeman with me, and they was talking—he said he had tried to get me back, he said he had turned my number in, he said I was o. k. as far as he knew, and then the policeman said, "Well,

it has to pass through about five men before it is finally o. k.'d" He said, "They probably stopped it down around the employment office some place," and Linden said he called up Rose to find out what was wrong. He said Rose got mad as anything at him for trying to find out.

Q. Was any reference made to the effect that you had been picketing?

A. Yes, Linden asked me if I picketed. I said yes. I says, "Almost every day." He asked me if I carried a club. I said no. Well, he said they probably got my pictures, a lot of pictures down below in the main office.

Then we were talking about the time they short circuited a high power line down at the Bessemer plant, and the policeman and Linden agreed that perhaps they had probably had these for that.

Q. Was it generally known in the mill that you were a member of the C. I. O.?

A. Yes, practically everyone in my department knew it.

Q. Now, have you worked at all, since you went out on a strike?

A. Well, I started, I worked five days since last Saturday.

Q. You have worked five days since last Saturday?

A. Yes.

Q. Are those the only five days you have worked?

A. That is the only five.

Q. How much have you earned during those five days?

A. Close to $25.

Q. Close to $25?

A. Yes.

Q. Are you sure of that figure?

A. Well, it is around there, might be a little more.

Q. What is your rate of pay where you are working?

A. Where I am working, 62½ cents an hour.

Q. 62½ cents an hour?

A. Yes.

Q. How many hours a day are you working?

A. Eight.

Q. You are working eight, and you have worked five days, is that right?

A. Yes.

Q. Now, on May 26th, the last day you worked at Republic, what was your rate of pay down there?

A. I was getting 63½ cents an hour and bonus.

Q. 63½ cents an hour plus bonus?

A. Yes.

Q. How many hours a week were you working there?

A. I was working about 48.

Q. About 48? Now, this bonus, can you give us an average figure on your daily wage?

A. Well, my average with time and a half, with bonus, about $6.75 to $7 a day.

Q. $6.75 to $7 a day?

A. Yes.

Q. Now, do you want your job back at the Republic?

A. Yes.

MR. HOSKINS: That is all.

Cross Examination

BY MR. SMITH:

Q. Where had you worked, before starting with Republic, Mr. Krill?

A. Before I started for the Republic?

Q. Yes.

A. Well—

Q. I mean immediately before?

A. I believe Lembkes Ethical Drugs.

Q. How do you spell that?

A. Lembkes Ethical Drugs.

Q. I didn't get it.

A. Lembke Ethical Pharmacy, I believe was the name of it.

Q. That was a drug store, was it?

A. Yes.

Q. How old a man are you?

A. Well, I will be 21 on the 31st of this month.

Q. 21 on the 31st of this month?

A. Yes.

Q. And you started to work there when?

A. March, 1936.

Q. March of 1936?

A. Yes.

Q. Did you work there from that time up until the time of the strike?

A. No, not steady.

Q. Well, were you working any place else other than that, during that time?

A. No.

Q. Well, you were working there during the time they had work for you and up until the 26th of May?

A. I was working until the 26th of May.

Q. Yes.

A. Outside of two months.

Q. You say you joined the C. I. O. in January of 1937?

A. That is right.

Q. Did you hold any position in the lodge or in the C. I. O.?

A. No.

Q. Did you wear your button during that period?

A. No.

Q. You say it was generally known that you were a member of the C. I. O.?

A. Yes, among my fellow workers.

Q. Yes, but you had your employment regularly up until the C. I. O. called a strike?

A. Yes.

Q. Now, who was it that told you to go over to the superintendent's office there, at the time you talked with this man in the office about the union?

A. It was not the superintendent's office.

Q. Well, where was it, then, that you had this talk with him?

A. It was the general foreman's office.

Q. The general foreman's office?

A. Yes.

Q. Well, who was it came to you and told you to go over there?

A. A fellow worker, he said he had instructions from the foreman.

Q. Do you know what his name was?

A. No.

Q. Did he work in your department?

A. Yes.

Q. How many people worked in your department?

A. There wasn't many, about 25, I believe at the most.

Q. About 25? At the time you had this talk with him, you say he gave you a card?

A. Yes.

Q. And what was this man's name?

A. Valley, V-a-l-l-e-y, the representative.

Q. Can you fix the day on which this conversation took place?

A. Not exactly, but it was approximately one week before the strike.

Q. One week before?

A. Yes.

Q. When he presented the cards to you, did you read the cards through?

A. Well, I read it.

Q. You did read it?

A. Yes, I glanced over it, to see what it was about.

Q. And in reading it over at that time, do you mean

that you took it in your own hands and read it, or did you just look at it when he showed it to you?

A. I took it in my own hands.

Q. Yes. What time of the day was this that this conversation took place?

A. I believe it was right in the afternoon one day.

Q. You were over there, you say, about 15 minutes?

A. Yes.

Q. I believe you stated that you had been active in connection with the C. I. O. after you had joined there?

A. Yes.

Q. What were your activities? What was it you were doing?

A. Well, I was a volunteer organizer, I signed up fellows for the C. I. O.

Q. Were you signing up men in the plant during the working hours, in the C. I. O.?

A. Not during working hours.

Q. Did you get paid for that work?

A. No.

Q. You say you were over there about 15 minutes and you were not docked at that time, were you?

A. I was not docked.

Q. You were on the picket line, were you?

A. Yes, sir.

Q. And how soon after the 26th, or was it on the 26th that you were on the picket line?

A. I went on down on the 26th, the night of the 26th of May.

Q. How long did you stay on the picket line?

A. I was on almost every day.

Q. Were you on the picket line in July and after the mill had started to work?

A. Not after the mill started to work.

Q. You were not back on the picket line at all?

A. No.

Q. You haven't been since that time?

A. Not since.

Q. Now, you say you went down there on the 28th?

A. Yes.

Q. And your foreman told you that you could go to work?

A. Yes, that night.

Q. That night? Are you sure that was the 28th, Mr. Krill?

A. I believe it was, it was on a Monday.

Q. Well, you are certain of it being the 28th? Would you be sure that it was the 28th?

A. Yes, I am positive.

Q. Yes; well, isn't it a fact, then, that you didn't get back the next morning, but that you did get back on the 30th of June instead of the 29th?

A. No, I came back on the 29th.

Q. Now, you spoke to them at different times, and you were told that your name was on the record; that is, your card was in the wheel for registering in?

A. Yes.

Q. And you say Mr. Rose was the foreman over at the employment office?

A. He is employment manager.

Q. When was it that you were there?

A. The first time on July 1st.

Q. July 1st?

A. Yes—no, I was there, before, on June 29th, that was the first time.

Q. June 29th? You said something about that "they short-circuited the power house at the Bessemer"?

A. Yes.

Q. Was there something of that kind happened there?

A. It happened one night while I was picketing there.

Q. It did happen while you were picketing there?

A. Yes.

Q. I see.

MR. DAY: At this time we would like to re-open to the Court the question of our right to know where these men, whose names have been mentioned in the complaint as having been improperly discharged, have worked since they were discharged. Now, I want to discuss that very briefly. I know the ruling that your Honor made at Canton was that we were not entitled to that name.

TRIAL EXAMINER LINDSAY: Here is the situation, it is not necessary to discuss it. Aren't you willing to take the proof furnished to you by the chief attorney representing the Labor Board on those matters? Now, if you aren't willing to do that—this is off the record. I don't want any of this in the record, what I am saying.

(Discussion off the record.)

TRIAL EXAMINER LINDSAY: Let the record show that the attorneys representing the Board and the attorneys representing the respondent—Mr. Day—you are willing to have that part go on the record, that the attorneys representing the respondent and the attorneys representing the Board will get together and be satisfied on the amount of earnings that have been made by each individual named in the complaint.

MR. DAY: That is right.

TRIAL EXAMINER LINDSAY: You have agreed to that?

MR. DAY: Now, of course, if we can't agree, then we will take the matter up with the Court again.

TRIAL EXAMINER LINDSAY: Yes.

MR. DAY: All right.

TRIAL EXAMINER LINDSAY: We will have a short recess.

MR. HOSKINS: Do I understand the cross examination is finished with this witness?

MR. DAY: Not quite.

TRIAL EXAMINER LINDSAY: Well, go ahead and finish.

MR. DAY: That is all.

(A short recess was taken.)

TRIAL EXAMINER LINDSAY: The hearing is called to order.

MR. HOSKINS: Mr. Haren.

WILLIAM A. HAREN

a witness called for and on behalf of the National Labor Relations Board, being first duly sworn, was examined and testified as follows:

Direct Examination

BY MR. HOSKINS:

Q. Will you state your full name, please?

A. William A. Haren.

Q. I didn't hear you.

A. William.

Q. How do you spell that?

A. H-a-r-e-n.

Q. Where do you live, Mr. Haren?

A. 520½ Sixth Street, Struthers.

Q. 520½ on Sixth Street?

A. Yes.

Q. In Struthers?

A. Yes.

Q. Have you ever worked for the Republic Steel Corporation?

A. Yes, sir.

Q. When did you first start to work for them?

A. July, 1926.

Q. In July, 1926?

A. Yes, sir.

Q. What was your job down there?
A. Mixer crane man.
Q. A mixer crane man.
A. Yes.
Q. Do you belong to the C. I. O.?
A. Yes, sir.
Q. When did you join the C. I. O.?
A. August 6th, 1936.
Q. Have you worn your button around the mill?
A. Yes, sir.
Q. Is it generally known down there that you are a C. I. O. man?
A. Yes, sir.
Q. Do you know a Mr. Cahill?
A. Yes, sir.
Q. Who is Mr. Cahill?
A. Assistant superintendent at the open hearth.
Q. Assistant superintendent of the open hearth?
A. Yes.

TRIAL EXAMINER LINDSAY: What is that name, please?

MR. SMITH: Cahill.

BY MR. HOSKINS:

Q. Is that the division that you work in, the open hearth?
A. No, I am in the electric department.
Q. Does that come under the open hearth?
A. Yes, sir.
Q. Do you know Mr. Elliott?
A. I have seen him. I know him when I see him, is all.
Q. Do you know what his job is?
A. He was then at that time a District Manager.
Q. He was the District Manager?
A. Yes, sir.

Q. Do you remember having attended a meeting this year at which either of these gentlemen spoke?

A. Yes, sir.

Q. When was that?

A. Around in April, to the best of my knowledge.

Q. About when in April, can you fix the date for us?

A. It was around the 15th of April.

Q. About the 15th of April?

A. Yes, sir.

Q. Will you tell us the circumstances of this meeting? How you came to go to it, who called you to it?

A. Bill Spencer, the mixer operator come to me and told me that there was going to be a meeting at the Farewell Building—Welfare Building.

Q. You mean Bill Spencer?

A. Yes, sir.

Q. You say he is a mixer operator?

A. Mixer operator, yes, sir.

Q. What is a mixer operator?

A. He takes care of the metal, and ships metal down to the floor, and furnishes metal whenever they need it.

Q. Do you take orders from this man?

A. Yes, sir.

Q. He told you, you said, that there was to be a meeting at the Welfare Building?

A. Yes, sir.

Q. Did you go to this meeting?

A. Yes, sir.

Q. About what time of the day was it?

A. Around two o'clock in the evening.

Q. Around two o'clock in the evening, did you say?

A. Yes, sir.

Q. About how many men went to this meeting?

A. Between a hundred and two hundred men.

Q. Will you tell us what transpired when you got there?

MR. DAY: Fix the date of this, will you, please?

MR. HOSKINS: He fixed the date as the 15th, and the time, about two o'clock.

MR. DAY: All right, thank you.

BY MR. HOSKINS:

Q. Will you tell us what transpired when you got there?

A. Mr. Cahill walked in and introduced Mr. Elliott, got up on a bench, and said the District Manager was there to give us a talk concerning the C. I. O. and its activities for the past two or three weeks.

After Mr. Elliott got up on a bench, he directed his talk toward the C. I. O., mentioning the fellows that was hired to come there, never had worked in a mill that—

Q. Will you talk just a little bit louder, Mr. Haren?

A. I don't think I can.

He said that these fellows on the bridge that was organizing the men, they never had worked in the mill, and probably never would,—and then he referred us back to the 1919 strike, and he said these fellows would go just like they did. All these fellows wanted was just our dollar, and he wanted us to understand that we didn't have to join any Union at all to work for the Republic. He said there wasn't any of us there, hardly, but what had had a green card shoved in under our nose and told to sign it.

Q. You say a green card. Did he explain what he meant by a green card?

A. I don't think he did.

Q. You belong to the C. I. O., you testified?

A. Yes, sir.

Q. What color membership cards has the C. I. O.?

A. White and green.

Q. White and green?

A. Yes, sir.

Q. You mean two colors on one card, or two different colored cards?

A. Two different colored cards.

Q. In other words, there is a C. I. O. membership card which is green?

A. The first ones come out was white, and the next ones was green.

Q. All right. What else did he have to say?

A. After that, why he—

TRIAL EXAMINER LINDSAY: Go right ahead.

BY MR. HOSKINS:

Q. Did he mention the Employees Representation Plan at all?

A. Yes, he said the Employees Representatives had got us the Welfare Building and we was getting along fine. We should all act as one big family, try to get along. He said he had noticed that the Youngstown plant had not co-operated like the Cleveland plant, that they had gone along fine over there, and he thought that we should try and do the same thing. And then he mentioned the scales --about not having no scales and somebody made a holler about that, and everything was going to work out all right. He mentioned about enlarging the open hearth, No. 2 open hearth.

Q. Did he state whether or not the Company would ever sign with the C. I. O.?

A. He said the Company would never sign with the C. I. O. or any other outside organizations. He said: "Some of you fellows look at me as though as to say 'To hell they won't,' but," he says, "I say they might, but it would be a long, long struggle."

Q. About how long did this meeting last, Mr. Haren?

A. About 30 minutes.

Q. About thirty minutes?

A. Yes.

Q. Were you paid for the time you spent at that meeting?

A. Yes.

Q. Do you remember May 26th, 1937?
A. Yes, sir.
Q. Were you working on that day?
A. Yes, sir.
Q. What turn were you working?
A. Three to eleven.
Q. Three to eleven?
A. Yes.
Q. Did you leave the mill at eleven?
A. No, sir.
Q. Tell me why you did not leave the mill, will you?
A. Mr. Cahill come up and asked me to stay until they got rid of the hot metal, out of the mixer.
Q. Just a moment. What happened on this night, May 26th? What took place on that date?
A. The strike was called at 11 o'clock.
Q. And Mr. Cahill came up and asked you to—
A. Yes.
Q. Will you state that again? What did he ask you, again?
A. He asked me to stay until they got rid of the metal, the excess metal in the mixer. He said he would like for me to stay, and he would appreciate it very much if I would stay until they got rid of that excess metal. He said then I could go.
Q. Will you explain to the Trial Examiner the effect, or the value of getting rid of the excess hot metal? In other words, would that metal have been damaged if you had quit your work right then at the time?
A. Yes. I was of the understanding that if I hadn't got rid of it—if we hadn't stayed and got rid of that metal at that time, why, it would have froze in the mixer, and been spoiled.
Q. What time did you leave the mill?
A. Between six and seven o'clock the next morning.
Q. Six and seven o'clock on May 27th?

A. Yes, sir.

Q. Have you been back to the mill since that date, in order to get your job?

A. Yes, sir.

Q. When did you go back?

A. June 29th.

Q. On June 29th?

A. Yes, sir.

Q. What day of the week was that, do you know?

A. On Tuesday.

Q. On Tuesday?

A. Yes.

Q. Why did you pick that particular date to go back?

A. My brother worked down there, and he told me that—my brother had been down there and he told me that the dead line was set for Tuesday, and he said that if he was me, he would go down. So I went down Tuesday morning to see about it.

Q. Did you see anyone when you went down there, or have any conversation with anyone?

A. Yes, I punched my card between six and seven o'clock, went up to Charlie Ritchie's office.

Q. Who is Charlie Ritchie?

A. He is the foreman over the turn foreman.

Q. He is the foreman that is over the turn foreman?

A. Yes, sir.

Q. In other words, he is your foreman?

A. Yes, sir.

Q. All right. What conversation took place with Mr. Ritchie?

A. Mr. Ritchie, he—when I walked in, he asked me, he says to me, he says: "Well, Bill, what have you got to say for yourself?" "Well," I said, "I think it is all over." And he says: "Where is your club?" He says—I says: "I didn't have any club." He said: "Yes, you did, too." And we repeated that three or four times there, back and forth, and then he said to me, he says, "Well,

Bill," he says, "you caused a lot of trouble around here. You have agitated, and," he says, "I don't know."

I says: "You have kept the agitator in the mill." We both had reference to the C. I. O.—at least I did.

MR. DAY: What was that last part of the answer about the agitator in the mill? What was that?

(Last answer read by the Reporter.)

BY MR. HOSKINS:

Q. What did you mean by "you kept the agitator in the mill"?

A. I meant that there was one of their foremens, to my knowledge, or at least the C. I. O. had his name on a board as a disloyal member, and he stayed in the mill.

Q. All right. Now, did you have any further conversation with Mr. Ritchie at this time?

A. And I told him that this fellow had his name on the book, and he said, "Oh," he said—"All of that bunch over there is crooked." He said: "Anybody could put your name on the book." And he says—well, he says: "I am going to hold you off for a few days," he says, "If I need you, I will call you."

I says—I raised to my feet then, I says, "That means that I am fired?" He said: "No, we don't fire anyone."

Q. He says: "No, we don't fire anyone?"

A. Yes, and I says: "O. K.," and walked out.

Q. Did you leave his office at that time?

A. Yes.

Q. Have you been back to the mill or talked with anyone since then?

A. Yes. I went to the mill. I stopped off at the mill, and a policeman told me I would have to register there, about two or three weeks later.

Q. What was this, two or three weeks later, you say?

A. Yes, sir.

Q. And that first date you fixed as June 29th, is that not right?

A. Yes, sir.

Q. Then after the policeman said you had to register, did you go to register?

A. Yes, I went up to register.

Q. Where did you go?

A. I went up to the employment office.

Q. Who did you see at the employment office?

A. Mr. Rose.

Q. Did you have any conversation with Mr. Rose?

A. Well, I told him I wanted to register, and he said: "You want to register?" and I said: "Yes." He said: "What do you mean, register?" He says: "How long do you fellows think we are going to hold your jobs here,—forever?" "Didn't you know that the gates had opened two or three weeks ago?" He says—he says: "I have got a job here, and," he said, "when the gates opened, I liked to break my neck getting down here."

MR. DAY: Will you please read that answer?

(Last answer read by the Reporter.)

BY MR. HOSKINS:

Q. That was Mr. Rose that made that statement?

A. Yes, sir.

Q. Did you tell Mr. Rose at that time you had been to the mill two or three weeks earlier in order to get your job?

A. Yes, sir.

Q. Did he make any reply to that?

A. He didn't make no reply.

Q. All right. Did you have any further conversation in Mr. Rose's office?

A. No, sir.

Q. Where did you go when you left his office?

A. I went back and stopped off at the gate, the center street gate, entrance, and I told the cop there that I wanted to go in and see Mr. Graft, and he told me that nobody was allowed in, that I would have to wait.

He asked me had I registered, and I told him yes, and he said that I would have to go home then and wait until

they called me. So I turned around, and Charlie Ritchie was talking to one of the electricians from the 40-inch mill, I don't know who he was, what his name was, and he said, "What do you want, Bill? What is on your mind?" and I told him I wanted to go back on the job. And he said: "Yes, and I wanted to get out of here for 30 days, but you stood up there on the bridge and wouldn't let me." And I told him there wasn't anything held against the salaried men at all. He said: "Yes, there was, too." He said: "If I had come out of—if I had come up on the bridge there," he said, "I would have had my head smashed."

MR. DAY: Who said that?

THE WITNESS: Charlie Ritchie.

MR. DAY: Who is Charlie Ritchie?

MR. HOSKINS: It has already been testified that he was a general foreman over the turn foremen.

MR. DAY: All right.

BY MR. HOSKINS:

Q. Did he say anything else at the time?

A. Well, he says: "There is nothing else I can do about it," he says, "you will just have to wait until time."

Q. Did you leave the mill then?

A. The cop told me I would have to get out then.

Q. Have you talked with anyone else since then?

A. Yes. I called Mr. Graft the following day.

Q. Who is Mr. Graft?

A. He is the chief electrician.

Q. He is the chief electrician?

A. Yes, sir.

Q. You say you called him the following day?

A. Yes, sir.

Q. Did you talk with him?

A. I talked with somebody, as I thought he was the secretary, or clerk, of Mr. Graft's, and he told me that Mr. Graft was not in, and he asked me to state my reasons for calling him, and I told him that I wanted to get back on the job, see. I told him that I had reported for work

on the 29th; and he said, well, for me to call the next day at five o'clock and Mr. Graft would be in.

Q. That is, the secretary told you to call back the following day? That is, at five o'clock?

A. Yes.

Q. Did you call back the following day?

A. Yes.

Q. Did you talk with Mr. Graft?

A. When I called, Mr. Graft answered, and I told him who I was and told him what I wanted. "Well," he said, "we don't have anything for you, Bill." I says: "Yes, Mr. Graft, I reported for work on the 29th, and," I said, "Ritchie told me he would call me when he needed me." He says: "Well, we will notify you when we need you. We are all filled up."

Q. Previous to that he told you: "We don't have anything for you, Bill," is that what you said?

A. "We don't have anything for you."

Q. Have you worked at all since you went out on strike?

A. No, sir.

Q. You have not earned any money?

A. No, sir.

Q. What were you making on May 26th? What was your salary at that time?

A. Seventy-seven and a half cents an hour.

Q. Seventy-seven and a half cents an hour?

A. Yes, sir.

Q. Was there a bonus or tonnage on top of that?

A. No, sir.

Q. How many hours a week were you working?

A. Forty and forty-eight hours.

Q. What do you mean, forty and forty-eight hours?

A. Third and fourth week, the way it worked around, why, we would work 48 hours.

Q. The third and fourth week, every third and fourth week, you would work 48 hours?

A. Yes, sir.

Q. Do you want your job back at Republic Steel Corporation?

A. Yes, sir.

MR. HOSKINS: I believe that is all.

Cross Examination

BY MR. DAY:

Q. How do you spell your last name?

A. H-a-r-e-n.

Q. H-a-r-e-n.

A. Yes.

Q. You are William A. Haren?

A. Yes, sir.

Q. Is your badge number 5482?

A. 5482? No, sir.

Q. When you worked for Republic Steel Corporation, did you have any number?

A. Yes.

Q. What was it?

A. 5428.

Q. 5428?

A. Yes.

Q. I got it twisted around, 5428. I said 5482. Have you been quite active on the picket line?

A. Yes, sir.

Q. Were you carring a club on the picket line?

A. No, sir.

Q. What?

A. No, sir.

Q. Were you carrying anything?

A. No, sir.

Q. A stick?

A. No, sir.

Q. Now, I will ask you whether or not on June 10th of 1937, between the hours of 7 o'clock in the morning and

12 o'clock noon, you were not walking on the east side of the Center Street Bridge doing picket duty and carrying a club?

A. No, sir.

Q. You joined the CIO a way back in August?

A. Yes, sir.

Q. About a year ago?

A. Yes, sir.

Q. It was generally known that you belonged to CIO?

A. Yes, sir.

Q. And you stayed there in Republic and you worked until the strike was called by the CIO, is that right?

A. Yes, sir.

Q. And what was your work?

A. Crane man, mixer crane man, operated the crane.

Q. You operated the crane, in what kind of work?

A. Poured the metal into the mixer; picked up the ladles of metal off of the buggies and dumped them into the mixer.

Q. And in what department was that?

A. Electrical department.

Q. In the electrical department?

A. Yes, sir.

Q. And what was made in there?

A. What was made in what?

Q. Well, when you dumped the metal into the mixer, what came out of the mixer then? What was made or manufactured or produced?

A. It was hot metal and it stayed in there and bathed in the phosphate and sulphur until a certain temperature —until a certain point to where they wanted it for the furnaces.

Q. Work that you do was to operate a crane that dropped the hot metal into the mixer?

A. Yes, sir.

Q. That is all the work you did?

A. Yes, sir.

Q. How long did you work for the Republic before the strike?

A. July 1926 is when I went there.

Q. Did you go back to work on the day the strike was called, May 26th?

A. I was working 3 to 11.

Q. What?

A. I was working 3 to 11.

Q. And where did you find out a strike had been called?

A. The strike was announced over a sound car on the bridge.

Q. The strike was announced over a sound car on the bridge?

A. Yes, sir.

Q. Well, do you know whose sound car it was?

A. No, sir.

Q. That is the first you knew of a strike being called?

A. At that time.

Q. On May 26th?

A. Yes.

Q. And you say you talked to somebody on the 29th of June?

A. Yes, sir.

Q. Whom did you talk to that day?

A. The 29th of June? Was that the question?

Q. Yes.

A. I talked to Charlie Ritchie.

Q. Who is he?

A. Foreman there, the turn foreman, we call him general foreman.

Q. Where did you talk to Charlie Ritchie?

A. In his office.

Q. Anybody else there?

A. No.

Q. About what time of day was it?

A. Between 6 and 7 o'clock.

Q. Let's have that conversation again.

A. Mr. Ritchie called me in and he called one in at a time, called me in and said, "What is on your mind?"

Q. Let's stay right there. He called you in, and he was calling other men in one at a time, is that right?

A. Yes, sir.

Q. And when you came in, he says, "What is on your mind"?

A. Yes, "What have you got to say for yourself?"

Q. "What have you got to say for yourself"?

A. Yes.

Q. Yes, all right. Go ahead.

A. Well, I said. I think it is all over." He says,—

Q. Why do you hesitate so long?

A. I want to be sure of it.

Q. You want to be sure?

A. Yes, sir.

Q. Well, let me know when you are sure?

A. I will.

TRIAL EXAMINER LINDSAY: Now, Mr. Day, that is not necessary.

A. He says, "What is on your mind?" I says—I will get it, after while.

TRIAL EXAMINER LINDSAY: Take your time, you have plenty of it.

A. I told him I thought it was all over. And he asked me where was my club, and I told him that I didn't have any club, and we repeated that back and forth three or four times and he says, "Well, Bill," he said, "you had been an agitator in the mill, you have caused a lot of trouble." And I says, "No, I don't think so." I said, "You kept the agitator in the mill." I had reference to the CIO. And he said, "What do you mean?" "For instance, who?" And I said, "That would be telling."

Q. Have you gone over this story you are telling with anybody, before you came in here today?

A. Yes, sir.

Q. With whom?

A. My attorney.

Q. What? Who?

A. The attorneys.

Q. You mean the gentlemen representing the Labor Board?

A. Yes, sir.

Q. Go ahead.

A. And he says—I forget where I left off—I told him that he kept the agitators in the mill, and he says, "For instance, say who," and I told him that that would be telling, and he had reference to the CIO and I told him that at least one of them had signed a card that is, that his name was on the books there in our office and he said "That bunch is all crooked." He says, "Anybody could put your names on the book."

Q. Anything else?

A. He says, "Well, Bill," he says, "I think that I will let you go for a few days." He said, "When I need you, I will call you."

Q. The mill started work after the strike or the 25th of June, didn't it?

A. That is right.

Q. When did you register at the employment office?

A. Sometime in July, I would not say just when.

Q. Can you fix the date approximately?

A. Around the 15th of July, I believe.

Q. Were you irregular? Do you understand what that means? In your attendance at your shop, when you were working? I mean, did you stay off of the job from time to time, while you were working?

A. I was off sick one time.

Q. Only one time? About when was that?

A. About a month or two months before the strike.

Q. What turn were you working? What were your hours? On what turn, at the time the strike happened?

A. 3 to 11.

Q. What?
A. 3 to 11.
Q. 3 to 11? Did you ever work on 11 to 7 o'clock turn?
A. Yes, sir.
Q. And you haven't done any work since the strike?
A. No, sir.
Q. You have been more or less active on the picket line?
A. Yes, sir.
Q. On the picket line at different places?
A. No, sir.
Q. On the picket line up at Poland Avenue?
A. No, sir.
Q. What?
A. No, sir.
Q. Never been on the picket line on Poland Avenue?
A. No, sir.
Q. What?
A. No, sir.
Q. Have you ever been doing picket duty at stop 5?
A. No, sir.
Q. Where were you doing picket duty?
A. Center Street.
Q. Center Street?
A. Yes, sir.
Q. On the bridge?
A. Yes, sir.
MR. DAY: That is all.

Redirect Examination

Q. (By Mr. Hoskins) Mr. Haren, when was the first time you spoke to me about your case, do you remember?
A. June 29.
Q. June 29th?
A. Yes, sir.

Q. And that was where?

A. Over in the Ohio Hotel.

Q. Did you see any of the other attorneys for the Labor Board at that time?

MR. DAY: I didn't get that.

Q. Did you tell your story?

A. No, sir.

Q. To any other attorney for the Labor Board?

A. No, sir.

Q. When was the next time you saw me to speak to me? When is the first time you spoke—

A. Over in the Terminal Building.

Q. Sir?

A. Over in the Terminal Building.

Q. When?

A. Yesterday.

Q. Yesterday?

A. Yes, sir.

Q. Have you told your story to any other attorney for the Labor Board?

A. No, sir.

Q. Do you remember having written a letter to the Secretary of Labor?

A. Yes, sir.

Q. Asking what was being done about your position?

A. Yes, sir.

Q. Did you get a reply to that?

A. Yes, sir.

Q. Do you remember getting a card this week, asking you to see me?

A. I only got one yesterday.

Q. You got one yesterday?

A. Yes, sir.

Q. Asking you to see me?

A. Yes, sir.

MR. HOSKINS: That is all.

Recross Examination

Q. (By Mr. Day) Just wait a minute. It is altogether my fault, I was talking with my associates.

MR. DAY: What did he say about talking to counsel?

TRIAL EXAMINER LINDSAY: Well, you don't contend, Mr. Day, that he has not a right to talk to counsel, do you?

MR. DAY: No, I don't. I don't contend that at all.

TRIAL EXAMINER LINDSAY: As a matter of fact, a good attorney would not put a witness on the stand without talking to him.

MR. DAY: I absolutely agree with you on that.

TRIAL EXAMINER LINDSAY: All right.

Q. (By Mr. Day) You say you talked to the Labor Board lawyers in the Terminal Building?

A. I talked to Mr. Hoskins.

Q. In the Terminal Building?

A. Yes, sir.

Q. Whereabouts in the Terminal Building?

A. 302 Terminal Building, I believe.

Q. What?

A. 302 Terminal Building.

TRIAL EXAMINER LINDSAY: Well, we have gone into that far enough, now. Do you have any other questions on any other matter? If so, ask it. If not, we'll go ahead.

Q. What is that office, 302 in the Terminal Building?

MR. HOSKINS: I object.

TRIAL EXAMINER LINDSAY: I said we are not going into that question.

MR. DAY: All right, the question is sustained?

TRIAL EXAMINER LINDSAY: Yes.

MR. DAY: Note an exception. That is all.

TRIAL EXAMINER LINDSAY: I see no purpose that will be served by such type of questions.

(Witness excused.)

HARRY RIGBY

a witness called by and on behalf of the National Labor Relations Board, and, having been first duly sworn, testified as follows:

Direct Examination

Q. (By Mr. Hoskins) Mr. Rigby, will you state your full name?

A. Harry Rigby.

Q. Where do you live?

A. 2708 Shadowrun Road.

Q. 2708 Shadowrun Road?

A. Yes.

Q. Is that in Youngstown?

A. Yes, sir.

Q. Have you ever been employed by the Republic Steel Corporation?

A. Yes, sir.

Q. How long?

A. 26 years.

Q. For 26 years?

A. Yes, sir.

Q. 26 years?

A. Yes, sir.

Q. What was your job down there?

A. Electrician.

Q. In what department?

A. Electrical department.

Q. What division is that in? Does that come under the open hearth?

A. It comes under the open hearth, yes, sir?

Q. Do you belong to the CIO?

A. Yes, sir.

Q. When did you join the CIO?

A. In June.

Q. June of what year?

A. 1937.

Q. Were you working on May 26th, 1937?

A. Yes, sir.

Q. Is that the day the strike was called?

A. Yes, sir.

Q. Did you go out on strike?

A. Yes, sir.

Q. Were you approached by anyone either directly or by telephone and asked to return to work?

A. No, sir.

Q. Have you been to see anyone about going back to work?

A. No, sir.

Q. Have you been to see anyone about going back to work?

A. Yes, sir.

Q. When was the first time you talked with anyone about going back to work?

A. June 28th.

Q. On June 28th?

A. Yes, sir.

Q. What took place on that day?

A. Why, we went in there—well, there was a bunch of us altogether there at that time.

Q. You say "we" went in, will you describe just generally whom you mean by "we"?

A. Well, there was other inspectors at the same time.

Q. What prompted you to go in, on that date?

A. Well, a fellow come up to the house and says to me, "What do you say we go over to see the rest of the fellows, to see about going back to work?" I says, "All right." That was on the 25th, see. June 25th. I says. "All right, we will go over on Dickson Street, see about

these other fellows going back to work." We stopped at another fellow's, and then from there we went up to Joe Voytko's place on Dickson Street.

Q. How many of you were there at Joe Voytko's place?

A. About six of us.

Q. About six of you?

A. Yes.

Q. Did you all do the same type of work, what you did in the mill?

A. Yes, sir.

Q. All right, what took place while you were there?

A. Well, all I says to them, I says, "We come up to see about going back to work," and they spoke up and says, "Well, we will go back on Monday."

Q. Now, this was on Friday, June 25th and you stated that you were at Joe Voytko's house?

A. Yes, sir, yes, sir.

Q. All right.

A. So while we was there, we was talking, talking about things there, why the telephone rang and Joe Voytko answered the phone and he come out on the grass and he says, "Kling is on the phone."

Q. Who is Kling?

A. Foreman.

Q. Is he your foreman?

A. Yes, sir.

Q. Do you know his first name?

A. M. J. Kling.

Q. M. J., is that right?

MR. DAY: What is the last name?

THE WITNESS: Kling.

Q. Did any of you talk with Mr. Kling, when he called on the phone?

A. Yes, sir.

Q. Who talked with him?

A. I did.

Q. All right, will you tell your conversation with him?

A. I says, "Hello." He says, "Who is this talking?" I says, "This is Rigby talking." He says, "Where is Joe?" I says, "He has made me the spokesman."

He says, "Why, I need a couple of men to come out to work today." "Well," I says, "we have all made the arrangements to come out on Monday." He says, "Who is 'all'?" I named him all of the fellows that was there. He says, "I need a couple of men out here to start the mill up."

All right, I says, "The mill ain't going to start up today," I says, "they are just going in," I says, "we are coming out on Monday."

He says to me, he says, "Well, then hang up now," and he says, "I will call back."

Well, we hung up, to see how the fellows felt about it, so I went outside, I says, "How do you feel about it? Are you going back now or going back on Monday?"

They says, "We will go back on Monday." I says, "All right, we will go back on Monday." We went back on Monday—

Q. Did Mr. Kling call back as he said he would?

A. I don't know whether it was Kling, or I don't know whether it was Graft, but I says—he says—just as soon as I said, "This don't sound to me like Kling." He says, "Yes, it is." It did not sound to me like that was Kling talking the second time.

Q. What did you tell him then?

A. I told him that we will be back on Monday.

Q. All right. Was there any other conversation?

A. Not then.

Q. Then you say you did go down there on Monday?

A. Yes, sir.

Q. Will you tell us what took place when you went down there?

A. We went down Monday with—we bunched the cars, went in on the machine.

Q. What time of the day was this?

A. This was early in the morning.

Q. About what time?

A. Well, about 6:45 when we punched our cards.

We walked down to the shanty and waited a little while down there and Kling came down and he says to us, "What is the matter with you fellows, are you running the mill?" I says, "No, we ain't running no mill. We come back for our jobs."

He says, "You fellows ain't got no jobs." And Yantsey spoke up, he says, "You better write out our slip to get our tools." We left and went away, then.

Q. Who is Yantsey that you mentioned?

A. That is one of the inspectors.

Q. Was he one of your fellow workmen?

A. Yes, sir.

Q. All right.

A. Kling went away and he came back shortly after that, and when he came back he wrote us a notice to get our personal tools out. We took our tools to Johnnie Graft's office.

Q. Who is Johnnie Graft?

A. He is head over Kling.

Q. He is ahead of Kling, you say?

A. Yes, sir.

Q. All right.

A. We waited on him, and Kling—Graft turned around and wrote us out a slip for—he wrote us his o. k. number on our personal property.

Q. Did you get your tools?

A. Yes, sir.

Q. Had you left the mill then?

A. Yes, sir.

Q. Have you ever been back since that date?

A. Yes, sir.

Q. When did you go back again?

A. Went back on June 13th—July 13th. It was July 13th.

Q. On July 13th? Were you accompanied by anyone at that time?

A. We were together in a body.

Q. Who all was in this body?

A. Me and Yantsey and Joe Voytko and his boy and Martin Potrensick.

Q. Whom did you see on that date?

A. On that day I seen Graft.

Q. You saw Graft?

A. Yes, sir.

Q. Will you tell us your conversation with Mr. Graft?

A. Well, I was the last one that seen him. The rest of them had seen him before me.

Q. What time of the day was it when you saw him?

A. About—along about 4 o'clock when I saw him.

Q. What time had you gotten there?

A. I got there at 10 o'clock in the morning.

Q. What did Mr. Graft have to say to you when you went in to see him?

A. Graft says to me, he says, "Rigby, they tell me you are a chronic kicker." I said, "Who told you that?" He says, "Charlie Ritchie told me that."

Q. Charlie Ritchie told him that?

A. Yes, told him that.

Q. Who is Charlie Ritchie?

A. He is foreman of the open hearth. I told him, I says, "I don't believe Charlie Ritchie told you any such a thing as that," I says, "I have known Charlie Ritchie a long time." He says, "I know you have."

He says, "Well," he says, "I ain't got no more to say to you." He says, "You go home and stay home until I call you." I am still waiting yet for a call.

Q. Did he mention anything about the fact that you had all been at Joe Voytko's house on Friday?

A. Well, he asked me what I was doing up there. I told him what I was doing up there.

Q. And you stated that he has not called you since that date?

A. He has not.

Q. Have you ever been back to see him since then?

A. I have tried my hardest to see him, but I can't get him.

Q. How many times did you try to see him?

A. I went down Monday, Tuesday, Wednesday, and Thursday, I think it was on July 26th, 27th, 28th, and 29th, I couldn't get him, and I called his clerk up from outside of the mill, and the clerk says, as soon as I told him—he says, "Who is this?" On the phone, I says, "It is Rigby," I says, "I would like to make an appointment with Mr. Graft."

He says, "Mr. Graft is very busy." "Well," I says, "when he gets rested up, tell him to call 38665," I says, "I will be here waiting."

He never called. I stayed there all day, that was five minutes after 11 o'clock in the morning.

Q. Have you talked to Mr. Kling since the last conversation?

A. Yes, sir, I went up to his house and had a talk with him.

Q. What was the conversation at his house?

A. I says to him, I says, "Kling, how does it come I am not back like the rest of the fellows are back?"

Q. When was it you went out to see Kling?

A. That was after the rest of the fellows had been down to see Graft.

Q. Let's see if we can fix the approximate dates.

A. I don't know just exactly.

Q. Was it in July?

A. It was in July, yes.

Q. About when in July, would you say?

A. Well, it was shortly after the fellow in the plate mill got his foot cut off.

Q. You don't know what date this fellow in the plate mill got his foot cut off?

A. No, sir, I don't know.

Q. All right, go ahead with your conversation.

A. I says, "How does it come I am not back, Kling?" He says, "I don't know." He says, "I thought sure you would be back as soon as that fellow in the plate mill got his foot cut off."

I says, "What have they got against me down there?" He says, "I ain't got nothing against you that I know of." And I have talked to these other inspectors that has been back all this time, they have seen Kling time and time again to go to see Graft to try to get me back, and there ain't nothing been done about it.

Q. Have you worked at all since you went out on strike?

A. I haven't worked a day.

Q. Have you earned any money whatever?

A. No, sir.

Q. What were you making when you were last working?

A. I was making 85 cents an hour.

Q. 85 cents an hour?

A. Yes, sir.

Q. Was there any bonus on tonnage, in addition to that?

A. No, sir.

Q. How many hours a week were you working?

A. 48 hours I was working.

Q. You were working 48 hours?

A. Yes, sir.

Q. Were you getting extra time?

A. Time and a half.

Q. Time and a half for how much?

A. All over 40.

Q. All over 40?
A. Yes, sir.
Q. Do you want your job back, down there?
A. Yes, sir.
MR. HOSKINS: I believe that is all.

Cross Examination

Q. (By Mr. Smith) Mr. Rigby, are you a member of the CIO?
A. Yes, sir.
Q. When did you join?
A. I joined in June.
Q. In June?
A. Yes, sir.
Q. That was what time in June?
A. I don't just remember what time in June.
Q. Early in June or before the middle of June?
A. Well, along in the last of June some place.
Q. Last of June?
A. Along in there some place.
Q. Then you didn't join CIO until after the strike had been in progress for three or four weeks?
A. No, sir.
Q. I see, and you went out at the time of the strike, at the time the strike was called by CIO?
A. I worked that day, on the 26th.
Q. Yes, that is your turn—did your turn end at 11 o'clock that night?
A. Yes, sir.
Q. And you went out at that time when your turn was finished, you went out with the other men who went out, and didn't go back?
A. Yes, sir.
Q. Now, do you remember the date on which the strike was called?
A. Yes, sir.

Q. What was it?

A. May 26th.

Q. Yes, do you remember the date when the great number of the men went back to work with the company, who notified them the mill would be opened?

A. Yes, sir.

Q. When was that?

A. June 25th.

Q. Yes, now on June 25th you say you were at somebody's house discussing the question of going back to work, is that correct?

A. Yes, sir.

Q. Now, I wish to get the name of that person, whose house was that?

A. Joe Voytko.

Q. How do you spell Voytko?

A. Joe Voytko, inspector down there.

Q. How do you spell it?

A. V-o-y-t-k-o.

Q. Oh, yes, Voytko. He was inspector down in your department?

A. Yes, sir.

Q. By the way, what department did you work in?

A. Electrical department.

Q. What did you do in the electrical department?

A. I am an inspector.

Q. Well, now, what were your duties in connection with that? Just tell us briefly.

A. My duties are, every time they blow the whistle five to come out and answer the call, get it fixed up.

Q. That is, if there is anything went wrong with the electrical equipment in the plant that came at least in your department, you were to repair it, is that correct?

A. Yes, sir.

Q. Now, did your duties cover more than the one mill, or was it in different mills down there?

A. Different mills.

Q. Yes, and you had a signal, did you, or call, something went wrong, why you went to a certain place and found out where the trouble was?

A. When the whistle blew.

Q. Then where would you go, when the whistle would blow?

A. Well, every inspector knows where the whistle is at, he goes and answers the call.

Q. I see, then the whistle would blow in whatever department it was that there was trouble, is that correct?

A. Yes, sir.

Q. It would not be one central place you would go to, to get your information?

A. No, sir.

Q. I see. Then you would go there and either repair or assist in repairing the damage that had been done or the fault that had happened there so they could go ahead with the operation?

A. Yes, sir.

Q. And how many years have you been employed by the Republic?

A. 26.

Q. 26? Now, while you were at Voytko's house over there, I understand that Mr. Kling called you by phone, is that what you said?

A. He didn't call me. He called Joe Voytko on the phone.

Q. Yes, and did you talk to him?

A. I talked to him.

Q. Did he ask Mr. Voytko if you were there?

A. No, sir.

Q. How did he know that you were there?

A. He didn't know until I went and talked over the phone.

Q. I see, then you talked over the phone, and what was it Mr. Kling said to you?

A. He told me he wanted a couple of men out here to start the mill.

Q. Yes.

A. And I told him then "These fellows here made up their plan to come out on a Monday."

Q. Yes, and what did you tell him as to your plan? What were you going to do, when he asked you to go out and go to work?

A. He didn't ask me my plan at all.

Q. Well, I know, but did you tell him that you would not come until Monday?

A. No, sir.

Q. Well, what was it you said about that the boys had made up their mind?

A. I told him the boys had made up their mind to come out on the Monday.

Q. How many people were there?

A. About five or six of us.

Q. Well, did they make up your minds, or did you make up your own mind?

A. No, we made it up before the phone rang.

Q. I see.

A. Before the phone call.

Q. Well, then you knew that on the day that the mill opened, that the foreman wanted you to come down there and go to work, didn't you, on the 25th of June?

A. No, sir, I didn't know it.

Q. Well, you knew it when you talked with him?

A. Yes.

Q. Yes, and you refused to go, and didn't go until the following Monday, did you?

A. I was afraid to go.

Q. I say, you didn't go until the following Monday, did you?

A. No, sir.

Q. Then you went down on the following Monday?

A. Yes, sir.

Q. Well, didn't Mr. Kling say this, or substantially this to you when you were talking, that if you didn't come down there that day, that he was going to have to get somebody else to take your job?

A. No.

Q. And that he wanted you that day instead of Monday?

A. Yes, sir.

Q. He told you then, didn't he?

A. Yes, sir.

Q. Yes. Now, when you went down there on the 28th, they called your attention to the fact that you had been called for this job and that you had refused to come, didn't they?

A. Yes, sir.

Q. And told you that on account of that fact they had to fill the job with somebody else?

A. They didn't say anything about telling it, they says "You ain't got no job."

Q. Now, after you had that conversation, then I understand you got a pass and took your tools from the plant? Is that correct?

A. Yes, sir.

Q. And then you had another conversation, I believe you said, on July 13th, is that correct?

A. Yes, sir.

Q. And that was with whom?

A. Johnny Graft.

Q. Johnny Graft? Now, did you work in his department?

A. Yes, sir.

Q. And is he a superior of Kling, or does he work under Kling?

A. Superior of Kling.

Q. What was Mr. Kling's job? Was he your foreman?

A. He was my foreman.

Q. How many people were under Mr. Kling, that was

working in this department, besides yourself?

A. I can't tell you how many is under his control.

Q. A great many?

A. What did you say?

Q. Were there quite a number or just a few?

A. You mean his?

Q. Yes, that Mr. Kling was foreman of a certain number of employees, now how many were there of employees, of which he was foreman?

A. I don't know how many.

Q. Well, would you approximate it? Would there be 10 or more or less?

A. No, there is more than 10.

Q. More than 10? Now, in your conversation that you had with Mr. Graft on the 13th, did you tell him about Mr. Kling having called you and wanted you to go to work on the 25th?

A. No, sir.

Q. Didn't you say to him this, or substantially this: That you had been called to go back to work on the 25th and that you had refused to go, and that you knew that you had made a serious mistake in not doing it. Didn't you say something like that to Mr. Graft?

A. Well, the majority rules.

Q. I say, didn't you say something like that to Mr. Graft in this conversation that you had on July 13th?

A. I told him that I wanted to go back, sure.

Q. Yes, and that you told him that you felt you had made a mistake in not going back when Mr. Kling asked you to?

A. Absolutely, over the telephone.

Q. Yes, and you also said to him that you knew that it was your fault, and that you had made a mistake and you were sorry for it, didn't you?

A. I don't remember.

Q. You don't remember having had that conversation? Now you have been told there, you were told, were

you not, that when the job developed that you were needed, that you would be sent for?

A. Yes.

Q. Yes, and now have you registered, yet, at the employment office since you went out on this strike?

A. No, sir.

Q. Do you have your CIO card with you?

A. No, sir.

Q. Can't you tell us more definitely when it was that you signed this card?

A. No, sir, it was in June.

Q. Well, was it before or after the 25th of June?

A. I couldn't tell you exactly.

Q. It was probably after Mr. Kling called you, or was it after you had gone up to the plant there on Monday?

A. I don't remember.

Q. What is your best judgment? It was the last of June, wasn't it?

A. I couldn't say.

Q. You couldn't say?

A. No, sir.

Q. A few moments ago when I asked you about going back, as to why you didn't go on the 25th, you said you were afraid to. Whom were you afraid of?

A. Afraid of the gang hanging down around there.

Q. Afraid of what?

A. Afraid of the bunch of men hanging around down there.

Q. Do you mean CIO men?

A. Well, I don't know who it is. I didn't have no automobile to go in, I had to walk in, if I wanted to go in.

Q. You weren't afraid of anybody connected with the company, when they asked you to come back, were you?

A. Can't never tell what is going to happen to you, when you are going back after a strike.

Q. There wasn't anybody connected with the company

that you were afraid of, when they invited you back, and asked you to come back?

A. That is hard telling.

Q. You were afraid of the group of them that were hanging out in front of this entrance that you would have to go past, is that it?

A. Absolutely.

Q. Were there pickets in that group that were there?

A. I don't know, I wasn't down there.

Q. You weren't down?

A. No, sir.

Q. Well, you knew there was a gang down there, did you?

A. Absolutely, I knew there was a gang down there.

Q. Well, on that situation, you say you were afraid on Friday, on the 25th, but you were not afraid on the 28th when you went down?

A. How is that?

Q. I say that you were not afraid on the 28th when you went down, were you?

A. The 28th of what?

Q. June.

A. No, I went in the car.

Q. You went in the car?

A. Yes, sir.

Q. You were in the car with some other men?

A. Yes, sir.

Q. Is that the idea?

A. Yes, sir.

Q. From between the 25th and the 28th, had you signed the CIO—your membership—CIO membership?

MR. HOSKINS: Your Honor, I object to continuing on the question regarding the date.

TRIAL EXAMINER LINDSAY: Yes.

MR. HOSKINS: The man has already testified.

TRIAL EXAMINER LINDSAY: We have gone far enough, Mr. Smith, now, as to this. I do not see

as it makes any difference under the law, he had a right to join any union of his own free will under Section 7 of the Act.

MR. SMITH: I am not questioning his right to do it. We are just wanting to know when it was done.

MR. HOSKINS: Oh, he has testified three times that he doesn't know the date when he signed.

TRIAL EXAMINER LINDSAY: Yes, that is far enough. I will sustain the objection. Let the record show an exception.

MR. SMITH: That is all.

(Witness excused.)

TRIAL EXAMINER LINDSAY: I think we will adjourn until Monday morning, August 23rd, at 10 o'clock.

(Whereupon, at 12:45 o'clock p. m., August 21, 1937, the hearing was adjourned until August 23, 1937, at 10 o'clock a. m.)

Courtroom No. 6,
Mahoning County Courthouse,
Youngstown, Ohio
Monday, August 23, 1937

The above-entitled matter came on for hearing, pursuant to adjournment, at 10 o'clock a. m.

Before:

JOHN T. LINDSAY, Trial Examiner.

Appearances:

MARK LAUTER, Esq.,
OSCAR GROSSMAN, Esq., and
JOSEPH A. HOSKINS, Esq.,

appearing for the National Labor Relations Board.

LUTHER DAY, Esq., and THOMAS F. VEACH, Esq., the firm of Messrs. Day, Young & Veach (1420 Union Trust Building, Cleveland, Ohio), and

T. F. PATTON, Esq., Republic Building, Cleveland, Ohio,

DAVID E. JONES, Esq., and

CHARLES F. SMITH, Esq., of the firm of Messrs. Harrington, Huxley & Smith, (1200 Mahoning Bank Building, Youngstown, Ohio),

appearing for the Respondent, the Republic Steel Corporation.

PROCEEDINGS

TRIAL EXAMINER LINDSAY: The hearing is called to order.

MR. HOSKINS: I will call Mr. Chismus.

BALARE CHISMUS

was thereupon called as a witness for and on behalf of the National Labor Relations Board, and, having been duly sworn, testified as follows:

Direct Examination

Q. (By Mr. Hoskins) State your full name?

A. Balare Chismus.

MR. DAY: How is that spelled?

MR. HOSKINS: B-a-l-a-r-e Capital C-h-i-s-m-u-s.

Q. (By Mr. Hoskins) Where do you live, Mr. Chismus?

A. I live on 1105 Poland Avenue.

Q. 1105 Poland Avenue?

A. Yes.

Q. Is that here in Youngstown?

A. Yes.

Q. Have you ever worked for the Republic Steel Corporation?

A. Yes, sir.

Q. When did you first start to work for them?

A. 18, May, 1936.

Q. The 18th of May, 1936?

A. Yes, 1936.

Q. What was your job there?

A. The first time I was hired on the open hearth, general labor.

Q. You were hired as a general laborer?

A. Yes.

Q. On the open hearth?

A. Yes.

Q. Now, you say the first time?

A. Yes.

Q. Did you have another job there?

A. And after Fall I get transfer to the bar mill.

Q. And that Fall, did you say?

A. Yes, that August, I think some time.

Q. Talk just a little bit more slowly and as loud as you can.

A. O. K. And after while I get transfer to the bar mill.

Q. What was your job in the bar mill?

A. I was laborer.

Q. What?

A. Labor.

Q. You worked as a laborer there?

A. Yes.

Q. Do you belong to the C. I. O.?

A. Yes.

Q. When did you join the C. I. O.?

A. I joined the C. I. O. after the strike was called.

Q. You joined it after the strike was called?

A. Yes.

Q. How long after the strike was called?
A. Oh, couple of days.
Q. A couple of days?
A. Yes.
Q. Do you know what date the strike was called?
A. The strike was called on the 26th, May.
Q. The strike was called on the 26th?
A. Yes.
Q. In other words, you joined the C.I.O. on the 28th—
A. May.
Q. All right. Have you been back to the mill since the strike was called?
A. Yes.
Q. In order to try to get your job?
A. Yes.
Q. What day did you go down?
A. The first day, 28, June, I think so.
Q. The 28th of June?
A. Yes.
Q. Who did you see when you went down that day?
A. The first time I seen my foreman.
Q. Who is your foreman?
A. Phil.
Q. Do you know his last name?
A. No, I don't know.
Q. Whereabouts did you see Phil, your foreman?
A. He was up there, at the department I working.
Q. He was up at the department where you worked?
A. Yes. When he say—he say: "You got to go to the office." I go up to the office. There was two boss over there.

JUDGE SMITH: I cannot hear you over here, Sir. I wish you would talk a little louder.

THE WITNESS: The first time he say—he say: "You got to go up to the employment—you got to go up to the office." I went up to the office. There was two boss over there.

Q. (By Mr. Hoskins) Who were these two bosses that were over there?

A. There was my boss and Mr. Calham.

Q. What was your boss' name?

A. Taffy.

Q. The other one was Calham, do you say?

A. Calham.

Q. What are their jobs? What are their titles?

A. What?

Q. Do you know their titles?

A. (No response.)

Q. You say your boss,—is he a foreman, or superintendent, or do you know?

A. My boss, Mr. Taffy, he is the night time boss.

Q. He is the night time boss?

A. Yes, and Calham, he is the three to eleven boss.

Q. And Mr. Calham is the three to eleven boss?

A. Yes.

Q. All right. Did you speak to either one of those men when you got up to the office?

A. Yes, I speak.

MR. DAY: What was the date of this?

THE WITNESS: 28th.

MR. HOSKINS: June 28th.

MR. DAY: June 28th.

Q. (By Mr. Hoskins) Which one did you speak to?

A. I speak to my boss and to Calham, too.

Q. You spoke to both of them?

A. Yes.

TRIAL EXAMINER LINDSAY: Pardon me, who was the other one you spoke to?

THE WITNESS: Calham.

MR. HOSKINS: C-a-l-h-a-m.

Q. (By Mr. Hoskins) What did you say to them?

A. In the first—he start me—he say: "Why"—

Q. What is that? Say it again.

A. He say to me: "Why you no come earlier?"

Q. Why didn't you come earlier?

A. Yes. I say: "I don't know that mill is open. I saw just couple of guys going over there, and I don't know."

Q. This was on June 28th, was it not?

A. Yes.

Q. All right. Then what did he say?

A. And he say, after that, he say, he got to wait for the big boss.

Q. Who was saying this? Was this Mr. Taffy?

A. Yes.

Q. He says: "You have to wait for the big boss?

A. Yes.

Q. Who was the big boss he was referring to?

A. Warning.

Q. Will you say it again?

A. Warning.

Q. Warning?

A. Yes.

Q. Was that all he had to say at that time?

A. He say: "Why did you monkey around the C.I.O.?"

Q. Why did you monkey around the C. I. O.?

A. Yes, and he say: "You was on Stop 5 on the picket line." I say I was no on the picket line.

MR. DAY: What was that again?

(Last answer read by the Reporter.)

THE WITNESS: I was no there.

Q. (By Mr. Hoskins) All right. Did you go to see this big boss?

A. And he say: "You got to go outside and wait, maybe the big boss come." I say: "What time the big boss come?" He say: "Eight o'clock." And I went outside, and the big bosses come and say—

Q. What time in the morning was this when you had talked to Mr. Taffy and Mr.—

A. It was about seven o'clock.

Q. It was about seven o'clock?

A. Yes.

Q. And he told you to wait outside an hour until the big boss came?

A. Yes.

Q. All right. Then did he come?

A. Then he come, and he say—I told him, I say: "My boss say I got to see you."

Q. What did he say?

A. And I told him everything, and he say: "Oh, I no got job for you now. If I need you, I call you, I call you up."

Q. He said to you: "I haven't got a job for you now?"

A. No.

Q. "If I need you, I will call you?"

A. Yes. He told me, if I got a phone? I say: "I no got a phone." He say: "If you no got a phone, maybe you come back in a couple of days again."

Q. He said for you to come back in a couple of days again?

A. Yes. And I go Wednesday morning, and I go up to the office, the bar—plane mill office.

Q. You went to the plane mill office?

A. And the bar mill.

Q. And the plane mill, that is the same as the bar mill?

A. Yes, and the day boss he say: "You have to go to the other office."

Q. By the day boss, who do you mean, Mr. Taffy?

A. No, another guy, I don't know his name,—because I wait eleven to seven.

Q. What was it he said?

A. I go up there, and the office is up there, the other office is on other side of the center bridge.

Q. That is, "by center bridge," do you mean Center Street Bridge?

A. Yes.

Q. All right. Did you go up there?

A. Yes, I go up there, and I wait a little bit, he come

a little bit, he say: "I don't know what I going to do for you."

Q. Who did you see when you got up there?

A. Was nobody over there.

Q. Nobody?

A. Nobody in the office, and after while they come.

Q. They finally came, is that it?

A. Yes.

Q. Who did you see?

A. I saw Mr. Warning.

Q. You saw Mr. Warning again?

A. Yes.

Q. All right. What did he have to say?

A. He asked me—you know, I told you everything—and he say: "Oh, I can't give you a job now," he say, "You got to see the big boss."

I don't know who is the big boss.

Q. He wanted you to see another big boss?

A. Yes, and I don't know who is the big boss. I think so he is the big boss. I don't know, you know, bigger than him.

Q. All right. Then did you leave at that time?

A. Yes, and he say: "You got to come next Friday."

Q. Come next Friday?

A. Yes.

Q. Did you go back next Friday?

A. And I got back next Friday, and I was just up on the center bridge, and he saw me, he say: "You got to go on the employment office."

Q. Who said that?

A. Mr. Warning.

Q. He said that to you on the following Friday?

A. Yes.

Q. To go up to the employment office?

A. Yes.

Q. Did you go to the employment office?

A. I come back home. I went to the employment of-

fice. I went to see Mr. Rose, and Mr. Rose say: "There is nothing do now."

Q. Who is Mr. Rose?

A. He is the employment man.

Q. Mr. Rose is the employment man?

A. Yes.

Q. And he said to you now—

A. He says: "Nothing do now."

Q. —nothing doing now?

A. Yes. And I go after—after I go a couple of times, I can't go up there and see Mr. Rose, because there was a cops over there, and you can't see him over there, you can't go in there.

Q. Have you been back since then? Have you seen any of them since?

A. No.

Q. Have you been back trying to see any of them since then?

A. No.

Q. Since May 26th, 1937, have you worked for anybody else?

A. I have.

Q. You have worked outside of the mill?

A. Outside of the mill.

Q. You have worked outside of the mill?

A. Yes.

Q. Do you know how much money you have earned during that period?

A. I don't know exactly how much money I had.

Q. How much are you making? Are you working now?

A. Yes, I work.

Q. How much are you making? What is your rate of pay, do you know?

A. I got 48 cents an hour, that's all.

Q. You get 48 cents an hour?

A. Yes.

Q. How many hours a week are you working?

A. I work 40 hours.
Q. You are working 40 hours a week?
A. Yes.
Q. How many weeks have you been working? When did you start?
A. I think I got four weeks, now.
Q. You have had four weeks' work now?
A. Yes.
Q. Have you worked 40 hours each week?
A. No, the first time I worked I worked just three days that week. After a while I got four.
Q. Did you get paid by check?
A. Yes.
Q. Do you know what the amount of your first check was?
A. First check was $13.
Q. $13?
A. And some cents.
Q. What was the amount of your second check?
A. Second check was $12.
Q. $12?
A. Yes.
Q. And some cents?
A. Yes.
Q. You don't remember the exact cents?
A. No.
Q. Did you get a third check, then?
A. Yes.
Q. What was it?
A. It was $21.
Q. $21?
A. Yes, and some cents.
Q. Have you gotten another check since then?
A. Yes.
Q. How much was that?
A. I think it was $22.
Q. $22?

A. Yes.

Q. Have you earned anything else besides those amounts you have just told me?

A. No, nothing.

Q. Do you want your job back at Republic?

A. Yes, sir.

MR. HOSKINS: I believe that is all.

Cross Examination

Q. (By Mr. Day) What is your name?

A. Chismus.

Q. How do you spell it?

A. C-h-i-s-m-u-s.

Q. M-u-s? What work did you do?

A. Labor.

Q. What?

A. Labor.

Q. Were you a part of the plate mill shear crew?

A. On the bar mill shear crew.

Q. Bar mill shear crew? When did you start work for Republic?

A. The 18th of May, 1936.

Q. The 18th of May, 1936?

A. Yes.

Q. When did you join the CIO?

A. The 28th of May, 1937.

Q. After the strike?

A. After the strike, yes.

Q. You have been active on the picket line?

A. Yes.

TRIAL EXAMINER LINDSAY: Off the record.

TRIAL EXAMINER LINDSAY: I have ruled that you may not ask him. Now that is my ruling and let the record show an exception to it.

MR. DAY: That is right.

Q. (By Mr. Day) Well, were you involved in the

trouble that took place on the night of June 10, 1937, at the Market Street Bridge?

MR. LAUTER: I object to that question, please.

MR. DAY: I think I have a right to ask that. He is one of these cases—

MR. LAUTER: The word "trouble" is entirely too indefinite.

Q. (By Mr. Day) Were you involved in a riot there?

MR. LAUTER: I object to that question, in that form.

TRIAL EXAMINER LINDSAY: Yes, I think I will sustain that objection. Note an exception.

Q. (By Mr. Day) Well, were you on or near or under the Market Street Bridge on the night of June 10th, 1937?

A. I was on the picket line.

Q. What?

A. Picket line.

Q. Picket line?

A. Yes.

Q. On the picket line on the—

A. Yes.

Q. —on the Market Street Bridge?

A. Yes.

Q. On the night of June 10th, 1937?

A. Yes.

Q. And were you at Stop 5 on the night of June 19th, 1937?

A. I no was there.

Q. What?

A. I no was there.

Q. Where were you that night?

A. I was home.

Q. Home?

A. Yes.

Q. From what time to what time were you home that night?

A. I don't know exactly what time I was home. I know I was home.

Q. Well, were you home there from 8 o'clock that night?

A. Yes.

Q. Until the next morning?

A. Yes.

Q. You have never registered at the employment office, have you?

A. No.

Q. Since the strike?

A. No.

Q. And the mill closed down on the 26th?

A. Yes.

Q. Of June?

A. Yes.

Q. And when was it you had this talk? On the 28th of June?

A. Yes, 28th and 30th, too. I have been there three times in the mill, Monday and Wednesday and Friday.

MR. DAY: I think that is all, except that what I have asked and has been excluded from the record, so I may not have any misunderstanding about it at any time, has been taken down by the Stenographer?

TRIAL EXAMINER LINDSAY: It is taken down, but it is not officially in the record.

MR. DAY: But the stenographer has it.

TRIAL EXAMINER LINDSAY: Oh, yes, absolutely.

MR. DAY: So that if we try to get it into the record, the stenographer will have it there.

TRIAL EXAMINER LINDSAY: That is entirely up to you.

MR. DAY: Just a minute. And will this appear on the written copy of the record that is given to us by the Stenographer?

TRIAL EXAMINER LINDSAY: No, not unless

you ask for it. If you ask for it they will write it up for you.

MR. DAY: Well, we ask for it right now.

TRIAL EXAMINER LINDSAY: Off the record.

MR. DAY: Well, now, may we at this time take an exception?

TRIAL EXAMINER LINDSAY: You already have an exception in the record.

MR. DAY: But I want an exception.

TRIAL EXAMINER LINDSAY: Yes.

MR. DAY: I want an exception to the action of the Examiner in excluding that from the record.

TRIAL EXAMINER LINDSAY: You may have —Listen, not to the action of the Examiner; you may have an exception to the ruling of the Examiner, the Trial Examiner.

MR. DAY: In excluding it from the record.

TRIAL EXAMINER LINDSAY: Yes, sir.

MR. DAY: All right, that is all.

ANTHONY MARTIN DE LONG

a witness called by and on behalf of the National Labor Relations Board, and, having been first duly sworn, testified as follows:

Direct Examination

Q. (By Mr. Hoskins) Will you state your full name, please, Mr. DeLong?

A. Anthony Martin DeLong.

Q. Anthony Martin DeLong?

A. Yes.

Q. Where do you live?

A. 1101 South Avenue in this city.

Q. That is, in Youngstown?

A. Yes, sir.

Q. Have you ever worked for Republic Steel Corporation?

A. I have.

Q. When did you first start to work for them?

A. I am sure that it was April of 1934. And then I continued working until November about the 20th, I had to leave for something like six months and I came back in April somewhere around the 20th.

Q. 1935?

A. Yes, sir, but since then I worked steady.

Q. What was your last job from April 1935 on?

A. Well, I have been hooking up.

Q. Will you tell the Examiner what you mean by hooking up?

A. Well, I am a helper on the crane.

Q. And what department is that under?

A. Electric weld.

Q. That is the electric weld?

A. Yes, I call the crane. I tell the crane man what to do, then I have worked on different orders, different stock that is supposed to go out, and then different stock that is supposed to stay inside the mill. And then there is different things concerning that job. Well, I have to hook up lifts, then I have to go after the crane and unhook them.

Q. Was that your job all the time after April, 1935? Were you a hooker?

A. Yes, sir, I was on that job steady.

Q. What was that job paying in May this year? What was the base rate of pay?

A. That job was paying me about 62½ cents an hour, and then I was making a little bonus.

Q. How many hours a week were you working at that time?

A. I was working 48 hours a week.

Q. Were you getting in extra time for over-time?

A. Well, I was, yes.

Q. What was your average pay, can you approximate for us?

A. Well, on an average for a day I was making about $5.

Q. Do you belong to the CIO?

A. I have.

Q. When did you join?

A. I believe it was in May of this year.

Q. May of this year?

A. Yes, sir.

Q. Was that before or after the strike?

A. It was be—no, it was in April that I—that was in April.

Q. In April of this year that you joined?

A. Yes.

Q. Now, were you active in it after you joined?

A. Well, I was, I was active on it after I joined.

Q. Did you wear your button around the mill?

A. Yes, I did.

Q. Was it generally known around the mill that you were a CIO man?

A. Well, I believe it was known throughout the whole mill.

Q. Did you serve on the picket lines during the strike?

A. Yes, I have.

Q. Now, you were working on May 26th?

A. May 26th I was working on shift from 3 to 11.

Q. Did you go out on strike that night?

A. Yes, I did.

Q. Have you been back at any time since then to try to get your job, at the mill?

A. I have been back about—I have seen the bosses about five different times, trying to get my job back.

Q. When was the first time you saw anyone of your bosses, trying to get your job back?

A. It was on Wednesday the 28th, I seen—

Q. The 28th of what?

A. The 28th of June.

Q. June?

A. Yes. Well, since the 28th to July 20th, I believe I seen my bosses, I am sure I have seen my bosses five different times.

Q. Let's go back to the first one, and tell us who you saw each time and what was said?

A. Well, the first—

Q. Whom did you see on the 28th?

A. The first time that I went back for my job, I went down in the—to the employment office. Was about 3 o'clock in the afternoon and there was a short line. The day before that I was there but the line was very large and I understood that the office was going to close in an hour. Well, I knew that I couldn't stay in the line and be checked upon, so I thought it best to go.

Q. What do you mean by "in the line" there?

A. Well, they had a big—they had a line of men and everybody was taking their turn in rotation, who came first.

Q. Do you mean waiting to get into the employment office?

A. Yes, sir.

Q. I see.

A. Well, it was my turn to get my—to file in for my job, to ask for my job back and Mr. Rose, he asked me my name. I told him my name, Tony DeLong. And then he asked me my check number. I told him that was 2710 and he asked me for my check. Well, I told him that I lost it, which I did. And he had an assistant there was doing work for him, and checked up on the files and the assistant called him over and he said—he said something to him and Mr. Rose come over and he said, "I don't believe there is anything here for you now."

He said, "We will call you when we need you." I asked him—well, I started off a little and then I come back and then I asked him how soon that would be? And he told me, he said, "I don't know," he said, "come back New Year's."

Q. Come back when?

A. New Year's. He told me to come back New Year's.

Well, the following day it was a Thursday, that was the 27th. Well, I called up Mr. Case—Roy Case.

Q. What is Mr. Case's job down there?

A. Mr. Case, he is a boss to Mr. Campbell. And as I understand, he is the superintendent down at the electric weld, the finishing floor.

I called up this Mr.—I called up Mr. Case and I believe that it was some kind of an apprentice that was working in his office that answered, I asked for Mr. Case. Well, he told me that Mr. Case was out and I asked him how soon he would be in and he told me within a short time.

Just then Mr. Case came in. Mr. Case answered on the phone, he said, "Hello," and I said, "Hello, Mr. Case, this is Tony DeLong."

Well, Mr. Case doesn't know my name and he didn't know my number then. And he said, "Well, what do you want?" I said, "How soon can I get back to work?"

Well, he told me, "I don't know," he said, "Why didn't you come in when the gates was opened?" I told him that I was out camping until Sunday and I figured that Monday it was unsafe to go to work and I thought it best to wait a while. Well—

Q. Now, this conversation was with Mr. Case, is that right?

A. It was. Over the phone.

Q. Over the phone? All right.

A. That does not include the times that I have seen him personally.

Q. Go ahead, I want you to tell them all and then—

THE WITNESS: What was the last?

(The record was read.)

THE WITNESS: I asked him how I could get my job back, and he told me the only way I could get my job back was being rehired.

So I hung up, then, and I didn't know what to do.

That was on a Thursday. So I waited a while and then I was walking—I was going to the employment office every day and then on July 3rd—

Q. (By Mr. Hoskins) Now, you say you were going to the employment office every day?

A. Yes, asking for my job.

Q. Did you see anyone, every day when you went down?

A. Yes, I went down, at times I snook around the cop and seen Mr. Rose, to see if my number was on the file, in there, because every time I asked the policeman, he told me that my number wasn't around. So on July 3rd I thought it best to see one of my bosses personally, that is Jack Campbell.

Q. Jack who?

A. Jack Campbell.

Q. What is his job, do you know?

A. He is under Mr. Case. I am sure that he is general foreman.

Q. Is that of the electric weld?

A. Yes, finishing foreman.

Q. Did you see Mr. Campbell?

A. Yes, I did, at noon that day, I knew that Mr. Campbell was going to come out for lunch.

Q. Is Mr. Campbell on a straight day turn all the time?

A. Yes, he is on—I don't know about now, but then he was.

Q. He was on straight day turn?

A. Yes.

Q. That is how you would know he would come out at noon?

A. Yes.

Q. All right.

A. Well, I waited out there for a while, and it was about 10 minutes after 12:00 that Mr. Campbell came outside.

I was standing at Stop 5 there, and I seen Mr. Campbell pull out, he had the green light.

I hollered at him, I hollered, "Hey, Jack, how is the chances of seeing you?" He said, "All right, come on out."

Q. You say he had a chance to pull out with the green light? Was he walking or in his car?

A. He was in a car.

Q. I see.

A. So he stopped and pulled up to the curb and I asked him, I said, "Jack, how is chances of getting back to work? I would like to get back to work."

And he said, "I don't know," he said, "The only way that you can get your job back is to keep going down to the employment office."

And he said, "What is your name?" I told him, "My name is Tony De Long." Jack Campbell knew me very well, to see me, but he didn't know my name. And he asked me my number and I told him that it was 2710.

So he told me, he said, "No," he said, "you have a clear record down at the electric weld," he said, "I liked your work and all that," he says, "but I don't know how you can get back in."

And I asked him, I said, "Well, who should I see?" He told me he didn't know, he said, "Try to see Roy if you can."

Q. Try to see Roy?

A. Roy Case, yes. And then he told me to keep walking down to the employment office, so I did, and I continued going down to the employment office until Thursday, that was the 6th. No, that was the 5th. That was the 5th. So—

Q. The 5th of July?

A. Yes, so I thought it best to go down, see Mr. Case in the steel mill.

Well, I went down to Stop 5 and a buddy of mine came

out of mill, a friend, and I asked him if I could use his stub to get inside.

Well, he told me, he said, "If you get caught with my stub, I will get fired, I will lose my job."

So I told him, "I will give you my promise that if I get in there nobody ain't going to get your stub," so he said, "All right," he gave me his stub, and I was then inside and I walked past the policeman and he didn't bother me, I walked up to the electric weld, I went by the office and I seen that Mr. Case was busy.

Q. You say up to the electric weld. That is the department you worked in?

A. Yes.

Q. All right.

A. Went into the department by the office and seeing that Jack was busy, I thought I would wait outside for a little while.

Well, the friends came there by me, they asked me why I wasn't working. I told them I didn't know.

Q. Was Mr. Case in his office at this time?

A. Yes, he was, but he was busy and I didn't want to go in and bother him.

So I was waiting, I will tell you, it was somewhere around 3 o'clock, the shift was supposed to go home and another shift was going to start, so I thought it best to go in and talk to him even though I would have to bother him.

Well, I went in and I said, "Hello, Roy," and he said, "hello." And I asked him, "Roy," I says, "how is chances of getting my job back?" I said, "I am taking care of my mother and brother," and I says, "I have a little money saved, I would like to know when I can get back to work, so I would not use my money foolishly."

And he looked at me and he said, "Why didn't you come in when the gates was open?" I told him, I said, "I didn't want to take a chance because it was a little too dangerous, and then I was out camping, I didn't want to

come in on a Thursday or Friday, whenever that day was that they first went in to work." I told him I thought it best to wait.

Well, he was telling me that I did wrong for doing a thing like that, and he told me that I should have come in earlier.

Well, for a while, there, I thought he was going to put me to work, he seemed to talk to me very nice, but then Mr.—

Q. This was Mr. Case that you were talking to?

A. Yes, I was talking to Mr. Case. Mr. Campbell was in the office at the same time.

Q. Now, who is Mr. Campbell, again?

A. Mr. Campbell is the general foreman, I am sure he is general foreman, that is what I understand.

Q. That is, he is your general foreman?

A. Yes.

Q. Yes, all right.

A. Well, he is general foreman of the whole three shifts.

Q. I see.

A. Well, Jack Campbell came running over, he was on the other side of the office, Mr. Case was sitting on the desk, and he said, "Roy," he said, "do you know who this boy is?"

He said, "No, I don't know who he is." He said, "His name is Tony DeLong."

Well, Mr. Case, he looked at me, his face changed suddenly—

His expressions on his face changed suddenly and he said, "No, there isn't anything in here for you." He said, "The mill is very slow, they are not working at all," and there they were, working a mile a minute, I know that.

I said: "Well, I can see that I am not wanted around here." He said: "Oh, yes, you are wanted around here. The men can use you. You are a good worker, and all

that. The only thing you have to do is to keep walking down to the employment office."

He said that very plainly so I could understand that. Then I went outside again, and I run across a few buddies, —I don't know their last names or anything. We have nicknames around there. I ran across Bruno, he is the chief hooker. He put all the men to work. And then I ran across Yank, and Yank's brother, and a few other men. They came up there to me. They called me "Yanders" down there. They said: "Hey, Yanders, how come you are not working?" I said: "I don't know." I said: "I would like to get back to work, if I can. They won't have me to work." He said: "Gimineezy, we don't know why they won't put the guys to work. We are working seven days a week, and," they said, "everything is pretty steady down here, we have to work seven days a week."

Then I started to walking down toward the testers, and I walked up against Earl Cartright, my foreman. He called me "Shorty." He said: "Shorty, how come you are not working?" I told him: "I don't know." He said: "I don't know what is the matter, I sent your number in."

Q. Your foreman stated that?

A. Yes, it was my foreman. A few days before that, I can't recall what day it was but he sent a boy to my home, he said: "My buddy wants you to go down to the employment office," that my number was down there.

Q. Did you go down that day?

A. Yes, I went down to the employment office.

JUDGE SMITH: What day was that?

THE WITNESS: That was—

MR. HOSKINS: Wait a minute.

Q. (By Mr. Hoskins) What day was it that you went down and had this conversation with Mr. Case?

A. Mr. Case, that was the 5th, a Thursday.

Q. You think that was—

A. Yes,—there is the 4th of July.

Q. Do you remember what day the 4th was on?

A. Yes.
Q. What day?
A. Yes, the 4th.
Q. No, what day of the week?
A. Oh, it was on Wednesday.
Q. Was it on a Thursday that you went down there?
A. I am sure it was a Thursday.
Q. You are sure it was Thursday?
A. Yes.
Q. That is, irrespective of the date, you are sure it was Thursday that you were talking with Mr. Case?
A. Yes, I am sure it was Thursday.
Q. And then it had been how many days before that that this messenger—that this fellow came up to your house—
A. That was—that was before I had seen Mr. Case.
Q. Yes, you said it was two or three days before?
A. Yes, yes, it was before that.
Q. How many days before?
A. Oh, I believe it was—I believe it was the same date that I seen Jack Campbell, that was on the 3rd.
Q. Do you remember what day of the week it was?
A. That was a Tuesday.
Q. It was on a Tuesday?
A. Yes.
Q. You are sure it was Tuesday?
A. I am sure.
Q. And you are sure it was around the 4th of July?
A. Well, it wasn't the 4th.
Q. I mean, it was in that period of time right in there?
A. Yes, it was in that period.
Q. All right.
A. So I can't—I can't recall where I left off.
Q. I believe you had left Mr. Case's offices and were talking with your buddies.
A. Yes, and then I was going towards the testers,

and my foreman, Earl Cartright, come up and said: "How come you are not working, Shorty?" I told him I was in the office, I asked for my job, and Roy Case, wouldn't give it to me, told me to go down to the employment office.

He scratched his head, he said: "I don't know. I sent your number into the office." He said "I don't know what is the matter, you didn't cause any trouble, did you?" And I told him "No."

So he walked away. He said: "I don't know, I will see what I can do." Well then, I was going out, and I ran across the foreman, that follows our turn, I can't recall his name.

Q. That is, in the electric weld also?

A. Yes.

Q. All right.

A. And I asked him—I said, "Can you use any good hookers? I want to get on my job real bad." Because I wanted to go to school, and I wanted to save a little more money so that I could go through school, and I thought it best if I would ask this man to put my name—to put me on, maybe he can put me on.

So he took my number, and he said he would see what he could do for me. Well, it was some time later that I seen the kid that worked for him out in the street, and I asked him, I said: "How come your foreman didn't get me on?" And he told me that his foreman told him that: "Let Earl Cartright take care of that kid. I don't want to have nothing to do with him." And then it gave me the smell that I just wasn't wanted around there. I knew that.

Well, that was the last that I seen of Roy Case, and then—

Q. That was on this Thursday that you were talking about?

A. Yes.

Q. You left the mill then?

A. I left the mill then.

Q. All right. When did you go back again, or when did you talk to him again?

A. I was walking down to the employment office, and that, every day. I tried to get back on my job, and I asked the policeman if he had my number. He told me he didn't, and then after that I seen Mr. Campbell,—I can't recall the dates after that.

Q. All right. Let us fix them as nearly as we can as you go along. How long after that did you see Mr. Campbell,—about how long?

A. Well, I will say about—

Q. You do not have to have it exactly. If you can, give us an approximation?

A. Well, I believe it was somewhere around the Tuesday of the following week, it was something like four days after that.

Q. Tuesday following the Thursday that you talked to Mr. Case?

A. Not—Mr. Campbell I seen after Mr. Case.

Q. I mean, it was on a Tuesday following that Thursday?

A. Yes.

Q. You saw Mr. Campbell on that Tuesday?

A. Yes.

Q. All right. What was your conversation with Mr. Campbell?

A. Well, I seen Mr. Campbell, and there wasn't much to that conversation, but I asked Mr. Campbell, I said: "Jack," I said, "I know the Company has something against me. They won't put me back to work."

MR. DAY: Was Campbell a foreman of some kind?

MR. HOSKINS: It has been testified that he was general foreman.

MR. DAY: All right.

A. (Answer resumed) When I was talking to Roy Case, I said, you come running over, and then you told Mr.

Case that my name was Tony DeLong, and then the expression changed on his face, and he wouldn't put me to work.

He said: "There isn't anything I can do for you. The only thing is for you to go to the employment office." I said: "Jack, this—this will try most everybody out, going after a job day after day." I said: "Why don't you tell me the truth? If I am fired, it is all right with me."

I don't know what took place after that, but, anyhow, that conversation wasn't very long.

Q. Whereabouts did this conversation take place?

A. About the same place, that I saw Jack Campbell.

Q. Where he was driving his car out at the green light?

A. Yes. And so I left that day, and I kept going down to the employment office, kept going down every day. Well, the policeman was telling me down there to come in the afternoon, probably my number will be down there in the afternoon. Well, I thought I would go down there twice a day.

Q. When you went down all these various days that you have told us about, did you get into the office to see anybody?

A. No, you couldn't get apast—you couldn't get apast the policeman.

Q. Tell us the procedure there, a little bit. You say you could not get past the policeman?

A. No, you couldn't get apast the policeman.

Q. Tell us just what would happen as you would approach the policeman.

A. Well, they had a few policemen, sometimes three, away from the employment office in a—I don't know whether you call it a hallway or not, but it was seated in a place, in a space between where you go into a building, whether a cafeteria, or what, I don't know.

They were seated there, and every man that wanted his job back would go up to the officer, and ask him for his

job. The officer would have three or four lists with a lot of numbers on, and names, and then you would ask him whether your number was on these sheets. If it was, he would tell you to go into the employment office; if it was not, then he would tell you it isn't on, and then he would tell you to come back tomorrow.

Q. In other words, if your number was not on these lists, kept by the company police, that you could not get in to see Mr. Rose?

A. No, you couldn't.

Q. Is that right?

A. That's the only way you could get in to see him.

Q. All right.

A. Well, then, it continued like that for some days. I don't know—and I was getting tired of it, I was getting disgusted, and I thought I would go down and see Roy—not Roy Case—just Jack Campbell again.

So I went down there one day, and I waited about three hours for Jack Campbell, waited from about eleven until about twelve-thirty. And then I come back. I knew that he was going to come back. I knew that he was going to leave the shop somewhere around five o'clock. Well, then I come back about four, and then I left about—well, then I seen Jack about 15 or 20 minutes after five.

Q. Where did you wait all this time you were waiting?

A. Out on the street.

Q. The same place you had met him on, on two previous occasions?

A. Yes.

Q. You say you saw him about quarter to five?

A. Quarter after five.

Q. Quarter after five?

A. Yes.

Well, I seen him come out of the building, and I—not out of the building, but out of the plant—and I whistled at him, and he seen me, and I said: "Jack" and so he

stopped, and I said: "Listen, how is chances taking a guy off the merry-go-round?" He said: "Just what do you mean?" I said: "Why don't you tell me that I can't get my job, or I can get it some time?" I said: "I am not in the spirit of looking for work, or anything else." I said: "I am disgusted." So he told me—"I don't know, you are not fired, we liked your work down there, and all that." I said: "No, that's not true." I said: "Somebody is lying."

He told me, he said: "No, nobody is lying." He said: "The only thing, you have to keep doing is, walking down to the employment office. You have to be rehired." I said: "That's a cheap way of telling somebody they are fired."

Well, he looked at me, and he said: "No, you are not fired." So I told him, I said: "Listen, Jack,"—and that was afterwards—I didn't tell him that I had a suit with the National Labor Board.

Q. Let me clear up one point there. Did I understand you to say that Mr. Campbell said in one breath: "You are not fired"—

A. That's what he told me.

Q. — and in the next he told you you would have to keep going to the employment office and be rehired?

A. Yes. So I told him—

Q. Now, about when was this conversation?

A. That was the last time I seen Jack Campbell. I will say that that was somewhere around—somewhere around the 10th.

Q. The 10th?

A. Yes.

Q. Of what month?

A. Of August.

Q. The 10th of August?

A. Or July.

Q. No, how long ago has it been in a period of weeks

from today? How long back is it, about,—today is the 21st of August.

A. The 21st?

Q. The 23rd of August?

A. Well, it must be about four weeks; it is more than four weeks, I know that.

Q. It is more than four weeks?

A. It is more than four weeks.

Q. All right.

A. So I told Jack Campbell, I said: "Listen, Jack," I said, "I would like to look for work," I said, "because I need the job." I said: "If you will tell me I am not wanted around any place," I said, "every time, you don't have to come out and tell me I am fired, but you can give me a little hint I am not wanted around." I said: "Whatever I have against the Company I am willing to drop everything, if you tell me the truth."

He said: "No, you are not fired, Tony. Keep going down to the employment office."

Well, then, I didn't know what to do, to spit in his face, or what, because that's the feelings I had. I figured he was spitting in my face. And then—

Q. Is that the end of the conversation there?

A. That was, and that was the last time I seen Mr. Campbell, but I called him up one time after that.

Q. Did you talk with him on the telephone, when you called him up?

A. Yes, that was the time I was supposed to get a job through the steel door—

MR. DAY: What is that?

MR. HOSKINS: The steel door.

THE WITNESS: But I am coming to that later, I will mention that after.

Q. (By Mr. Hoskins) You left the mill on that date?

A. I wasn't even inside the mill; I was outside on the street.

Q. Have you been back to see anybody since then?

A. That was the last time I seen Jack Campbell. The next time I says I thought it best to see Mr. McCoy.

Q. Who is Mr. McCoy?

A. Mr. McCoy. I don't know, but anyhow, Mr. McCoy is somehow of a magnet for getting employment down at the Republic Steel.

Q. I did not hear you.

A. I understand Mr. McCoy is a sort of magnet for getting your job back at Republic Steel.

Q. Do you know him to see him?

A. Yes.

Q. Is he in this room?

A. Yes.

Q. Will you point him out?

A. The third man on the left-hand side (witness indicates).

Q. All right.

A. Well, this was after the 10th, I don't know, somewhere between the 14th and 21st, that I wanted to see Mr. McCoy. Well, every morning that I got past the policeman, I told him I wanted to go upstairs and see about my insurance. That's the only way I could get up to see the policeman.

Well, I seen Mr. McCoy's secretary, and I asked him if I could have an interview with Mr. McCoy. He said—he asked me my points about working, and I told him, and he told me somebody ought to tell me whether I am fired or not.

Q. That was the secretary that made that statement?

A. Yes. He said Mr. McCoy wasn't in today, he said he was in Cleveland. That was the beginning of the week. I can't recall that week, but it was about four or five days after the last time that I seen Mr. Campbell that I—no, it was about—well, say that it was four or five days after I seen Jack, after I seen Jack Campbell. I thought it best to see Mr. McCoy. I heard that he had all the influence of

putting men back to work, and I knew that Mr. McCoy put men back to work.

Q. Did you eventually see Mr. McCoy?

A. I did. Well, that was the latter part of that week. I was going down to Mr. McCoy's office every day for about four days, and then, if I can recall very well, I believe it was a Thursday that I seen—that I got to see Mr. McCoy coming through.

Q. Just a moment, how many weeks ago, would that be, from today?

There is a calendar over there if that will help you any (indicating).

A. Well, the day—the date that I seen Mr. McCoy, I believe it was somewhere between 20th, and the 24th of August—not August.

Q. But July?

A. July.

Q. All right. Will you tell us your conversation with Mr. McCoy?

A. Yes, well, Mr. McCoy's secretary seen that I was coming down every morning and I wanted to go back to work. So he told me, he said: "The only way you can see Mr. McCoy is by coming down early in the morning." And I said: "What time would that be?" He said, "If you come here about seven-thirty or eight o'clock, and go through the hospital upstairs, you will get to see Mr. McCoy."

Q. What do you mean,—go through the hospital upstairs?

A. Well, I don't know, but the way he explained it to me, the doors were close to get into his office, and the only way I could get in to see Mr. McCoy was by going through the hospital, and then upstairs.

So I told him I would do it, but the next morning that I came down, it was somewhere around 15 after eight.

Q. Was that the next morning, you mean?

A. Yes.

Q. After you had talked with the secretary?

A. I talked to him every morning, but that was the last day that I seen Mr. McCoy.

Q. I see.

A. I talked to his secretary and asked him if I could get in to see Mr. McCoy. He said: "All right. Mr. McCoy is busy, but in a short time he won't be."

So I waited there for a little while, and he—

Q. You waited where, Mr. DeLong?

A. Well, in—I can't recall.

Q. In Mr. McCoy's outer office?

A. No, not in Mr. McCoy's office, but in Mr. McCoy's secretary's office. I waited in the office, and then the fellow came out, left—and Mr. McCoy's secretary stayed inside, and stayed inside about 10 minutes, and then he come out, and he said: "All right, Mr. DeLong, you can go in and see Mr. McCoy."

Q. Did you go in there?

A. Yes, I did.

I went inside, and I was a little excited, and I didn't know whether to tell Mr. McCoy whether I was a C. I. O. member or not. I thought the best thing to do was to try to lie out of it.

Q. Just a moment. Will you give us a little more fully the conversation? What were the opening remarks, do you remember?

A. Well, that's just what I was thinking, I haven't—well, later on, after I thought that—then I started to talk with Mr. McCoy.

Q. Go ahead. Give us the conversation.

A. Well, I thought it best not to say anything to Mr. McCoy. I believe if I told him I was a C. I. O. member I wouldn't get my job, because every man that was a C. I. O. man wasn't working.

MR. DAY: I move that be stricken out.

TRIAL EXAMINER LINDSAY: Read the answer, please.

(Last answer read by the Reporter.)

THE WITNESS: That is, every man that I have known.

MR. HOSKINS: Just a moment.

TRIAL EXAMINER LINDSAY: Your motion is denied.

Let the record show an exception.

MR. DAY: Exception.

Q. (By Mr. Hoskins) All right. Will you go ahead with your conversation?

A. Well, then, I went inside, and I said: "Good morning, Mr. McCoy." Mr. McCoy said: "Good morning." And I told him, I said, "Mr. McCoy, I would like to have my job back, if I can." Well, Mr. McCoy said—no, Mr. McCoy didn't say anything—I kept talking.

I said: "Mr. McCoy," I said, "I can't get my job back. I have been going for my job, and I don't know what is the matter." I said, "I didn't cause no trouble on the picket lines or anything." I didn't mention the picket lines either, that was later on.

No, your Honor, I am balled up, because—

TRIAL EXAMINER LINDSAY: That is all right. I realize that the events are quite old. Try and give it just as you know it.

THE WITNESS: Yes.

A. (Answer resumed) Well, I told Mr. McCoy that I wasn't a member of the C. I. O., and I would like to have my job back. And Mr. McCoy pointed his finger at me and he said: "Young man, you had come in here representing Mayo."

Q. Who is Mayo?

A. Mayo had something to do with the C. I. O. And I told him, I said: "Mr. McCoy, I don't understand you." He said: "You come in here to get information from me, and taking it over to Mayo concerning the affairs of the Company, and why you can't get back to work."

Well, I was excited. If you can recall that, Mr. McCoy—(witness addresses Mr. McCoy)—

TRIAL EXAMINER LINDSAY: No.

MR. HOSKINS: Never mind.

Q. Go ahead.

A. I was all excited, and I didn't know what to say. And I told Mr. McCoy that I wasn't a member of the C. I. O. I said: "I had nothing to do with the C. I. O."

He said: "I know you are a member of the C. I. O." I said: "Why, I don't know," I said, "but I am sure I am not a member of the C. I. O." Mr. McCoy said: "No, you filed a suit against the Company with the National Labor Board through the aides of the C. I. O."

And I told Mr. McCoy, I said: "Well, I lied a little here when I come in, but I guess I will have to tell you the truth now. The reason why I won't get my job—not the reason I won't get my job—but the reason why I filed suit with the National Labor Board was because I couldn't get my job back."

And then I also told Mr. McCoy that when I went for my job that first day, when I talked to Mr. Rose, I asked him for my job, and then I left for a short distance, and then I come back, and Mr. Rose told me to come back New Year's.

He said: "When you get on the stand, can you prove that statement?" And I told him, I said: "I don't know, but then I have been thinking there isn't anything I could prove that I have been doing."

So he told me to sit down. I sat for a while, and then Mr. McCoy showed me different kinds of pictures, I don't know how many; but there was one I laid a great importance on. It was a picture of different kind of ammunitions --ammunition, and all that, and then there was bombs and all various types of guns and all that. And Mr. McCoy said: "Here is what the pickets use on the picket lines. There is a collection that we have made. These are all from the pickets."

"Well," I said, "I don't know; I was on the picket line, but I didn't use any of that stuff." And he told me: "No," he said, "nobody uses that stuff, but still we get it from all the pickets."

And then I told Mr. McCoy I didn't have nothing to do with that stuff. He said: "No, you didn't have nothing to do with the picket line either. You didn't have nothing to do with the C. I. O."

And I told Mr. McCoy that I had nothing to do with that stuff. I was all excited there, and I didn't know what to say. I knew that I wouldn't get my job back.

So Mr. McCoy—Mr. McCoy told me different things, and things that I had liked,—Mr. McCoy gave me his experience in the Spanish American War,—if I can recall it very well,—and also on working on the railroad, and different construction jobs, and all that.

Q. Did Mr. McCoy say anything to you about your brother?

A. Yes, that was—that was—that was when I— did I come to that part—where Mr. McCoy said—

Yes, when I made the statement to Mr. McCoy that I wasn't a C. I. O. member, and that, and later on I told him the truth, and why I filed suit with the National Labor Board. Mr. McCoy mentioned my brother. He said: "Your brother was a strong member of the C. I. O., wasn't he?" I told Mr. McCoy, I said: "Well, he was a strong member, but he didn't cause no trouble. He done his duty on the picket line, and I believe it was no more than fair." So Mr. McCoy said: "He filed suit against the Company, and then he goes back to work." He said: "I wouldn't put a man like that to work." He said: "I don't see why they let him work."

Well, that was about all that he said about my brother.

Q. Now, what was the outcome of your conversation with Mr. McCoy that day?

A. Well, then,—where I was continuing on the pictures—well, Mr. McCoy started telling me about different

things, and he showed me a knife on a picture that was in array with shotguns and all kind of bombs, and all that, and Mr. McCoy said: "Here is a knife here," he said, "that was used in the Spanish War, and," he said, "I had these knives myself." He said: "Probably you, Mr. DeLong, was carrying that knife on the picket line to cut Mr. McCoy's throat off."

I told Mr. McCoy that I wouldn't do a thing like that, and then he started telling me about different things, that I was a little too strong for him, that he wouldn't want to argue with me, that he could—that I could damage him up, and that, well, in relation to that, he told me that I was stronger, and he didn't want to mess around with young kids.

Then he said: "You are from around Cedar and Poland, aren't you?" And I told Mr. McCoy I wasn't from around Cedar and Poland, but I was from the South Side. He said: "Well, I don't know," he said, "but if you are from around there," he said, "those guys are plenty smart down there, they shouldn't be working in a mill."

And then I talked to a friend from around Cedar and Poland, and I mentioned that Mr. McCoy asked me if I was from around Cedar and Poland. He told me that one day Mr. McCoy was going down Poland Avenue—

Q. Wait a moment.

Is this a conversation that took place in Mr. McCoy's office that you are relating now?

A. No, this is with a friend.

Q. Let us finish up the conversation with Mr. McCoy in his office. Does that end it there?

A. No, then he told me about the knife, and he didn't want to argue with me.

Q. Did he say anything more about putting you back to work?

A. No, and then Mr. McCoy said: "Young man, I think you will have to be leaving, because there is somebody wants to see me." I said: "Mr. McCoy, I am willing

to drop my case with the National Labor Board if I get my job back."

Mr. McCoy said: "You will have to wait until the case is over with the National Labor Board before you can go back to work." I said: "How soon can I see you again?"

"I don't know how soon that will be." Mr. McCoy told me he didn't know, he gave me his telephone number, and he told me I could call him up and ask him for the job, he would see me later then.

Q. Have you been back to the mill since then?

A. No, but I made a phone call.

Q. How?

A. I made a phone call. I was down to the mill, I tried to see Mr. McCoy after that, which was about three or four days after that. I had a job promised to me, and I was told if I could prove I have a clear record with the Republic Steel, I can get this job.

This job was down at the Youngstown Steel Door. It took place like this: I was in town one morning, and I ran across a friend, Mr. Shaw, from the Y. M. C. A., and he shook hands with me. He said: "What are you doing, Tony?" I said: "Oh, not very much." I said: "I am looking for work. I can't get no work." He said: "Why?" I said: "Well," I said, "I was down at the Republic Steel, I can't get my job back, and every place I go, I just can't tell them that I have a clear list, so—" Mr. Walker—not Mr. Walker—but what is the man from the Y. M. C. A.?

Q. Well, go ahead with your story.

A. He told me, he said: "How much do you weigh, Tony?" I said: "About 138,—135 pounds." He told me: "Well, if you weighed about 150 pounds I could get you a job. It is hard work."

I told him, I said: "Maybe it is hard work, I don't weigh enough, but still, I can't show I have a clear record at the Republic Steel." I said: "I would have to go down and go under a fictitious name." He said: "Wait, I will go over and see Mr. Shaw,"—not Mr. Shaw—well, it was

Mr. Shaw I was talking to—Mr. Getchey was the man that was going to send the man to the Steel Door and was supposed to go to work the following morning.

Q. Both men are connected with the Y. M. C. A.?

A. Yes, Mr. Shaw had something to do with the membership office, and Mr. Getchey has a lot to do with that. But then he told me that day—he told me he was President of the Foreman Club at the Y. M. C. A.

Q. Let us go back to the time you called Mr. Campbell.

A. No, that's later on I called him—that's after that.

Q. All right.

A. So he went over, and he talked to Mr. Getchey in the cafeteria there at the Y. M. C. A., and he told me, he said—he told him something, anyhow, but later on he come out and said: "Sit down, Tony, and Mr. Getchey will be out right away." Well, Mr. Getchey came out within half an hour, and he said: "Whose name is Tony DeLong?" There was two boys—

MR. DAY: Who was Mr. Getchey?

THE WITNESS: Mr. Getchey told me himself —I know Mr. Getchey since I am a little boy.

MR. DAY: I do not understand what Company he is with.

MR. HOSKINS: Mr. Getchey is with the Y. M. C. A.

THE WITNESS: He is with the Y. M. C. A.

MR. DAY: I cannot understand how this testimony is relevant.

MR. HOSKINS: Your Honor, it is merely introductory, leading up to a conversation that the witness said he had at a future date,—leading up to a conversation the witness had with Mr. Campbell.

TRIAL EXAMINER LINDSAY: Do you have an objection?

MR DAY: Yes, I object to the conversation.

Cross Examination

Q. (By Mr. Day) When did you join the CIO, Mr. Cain?

A. I believe that was the 12th or 13th of June.

Q. After the strike?

A. Yes.

Q. When did you first work for Republic?

A. Well, now, if you—I can't say that I worked for Republic, when I worked at Newton Steel, but I started at Newton Steel in '26, and I was sick for a few years, several years in—that I didn't do anything—I hired to Republic last October.

Q. And you worked up until the time of the strike?

A. Yes.

Q. Then you joined CIO after the strike was called?

A. Yes, yes.

Q. And the mill shut down on the 26th of May and opened up again on the 25th of June?

A. I think that is right.

Q. And on the 2nd of July Mr. Lafferty called you?

A. Yes.

Q. And asked you to come to work?

A. Yes.

Q. Well, now, was it after that, that the eight of you got together to discuss the matter?

A. Why, you see it was about ten or fifteen days before, they come and called on me and asked me to do this, and that very day I called one of the roll turners and we met that afternoon, after I had talked with Mr. Lafferty.

Q. Would that be the afternoon of July 2nd, the same day he called you?

A. Yes.

Q. And you decided not to go back to work?

A. No, we decided to meet the following Wednesday.

Q. And you met the following Wednesday?

A. Met the following Wednesday.

Q. Then you decided not to go back to work until when?

A. They all agreed, they decided they would not go back at the present time.

Q. Then did you meet again?

A. Met at my house on the following Wednesday from then.

Q. Did you decide again not to go back?

A. Well, there wasn't much done.

Q. Just got out under the trees at that time?

A. Yes, it was too hot to do much.

Q. So finally you got a letter?

A. The next day I got that letter, if you notice.

Q. After you had told Mr. Lafferty that you were not coming back, and after you had the three meetings between yourself and the other men?

A. Yes.

Q. You got this letter July 14th?

A. Yes.

Q. Saying your job at Republic had been discontinued?

A. Yes.

Q. That is all—By the way, you worked in the Warren plant or the Niles plant?

A. Warren.

Q. Warren plant?

A. Warren.

Q. Was the Warren plant closed or open, during the strike?

A. I never was near the place, I don't know.

Q. What?

A. I never was near them, I don't know.

Q. You don't know whether it was opened or closed?

A. No.

MR. DAY: All right, that is all.

Redirect Examination

Q. (By Mr. Grossman) Just a minute, Mr. Cain, referring for the moment to that telephone conversation you had with Mr. Lafferty on July 2nd, do you recall that now?

A. Oh, pretty much, yes.

Q. And did you tell Mr. Lafferty that you would call him back or that you were not coming back?

A. I told him I would call him back.

Q. You told him you would call him back?

A. Yes.

Q. Thank you.

MR. GROSSMAN: That is all.

MR. DAY: Did you ever call him back?

THE WITNESS: No, I didn't.

MR. DAY: That is all.

THE WITNESS: I think he knew all about the meetings, anyhow.

MR. DAY: That is all. I move to strike out the conversation between this witness and one Baldwin on the same ground set forth in the objections to the conversation.

TRIAL EXAMINER LINDSAY: The motion is denied. The record may show an exception.

(Witness excused.)

JOHN RIFFLE

a witness called by and on behalf of the National Labor Relations Board, having been first duly sworn, testified as follows:

Direct Examination

Q. (By Mr. Grossman) What is your full name, Mr. Riffle?

A. John Riffle.

Q. John Riffle?

A. Yes, sir.

Q. Where do you reside, what is your address?

A. 2806 Youngstown Road, Warren, Ohio.

Q. When did you first start to work for the Republic Steel Corporation?

A. Was 1926, in October.

Q. In October?

A. Yes.

Q. 1926?

A. 1926.

Q. And did you work steadily then?

A. Steadily.

Q. Until when?

A. Until the 26th of May.

Q. Until the 26th of May?

A. Yes, 1937.

Q. And what happened then?

A. Well, they called out the strike.

Q. That was the day of the strike?

A. Yes.

Q. You left the mill?

A. Yes.

Q. What is your job, now, in the mill, Mr. Riffle? What did you do?

A. Why, we load box car, railroad car. That is my job, right along.

Q. You load the railroad cars?

A. Railroad car, trucks, anything, just to ship out of the mill.

Q. Do these railroad cars go outside of the mill?

A. Yes.

Q. Are you a member of the CIO?

A. Yes, I am a member now.

Q. When did you join?

A. It was on the 29th of May, the second day I came out of the mill.

Q. Did anybody ever ask you to join the Employees' Independent Association, Mr. Riffle?

A. Yes, that it was—representative of the company, Mike.

Q. What did you say his name was?

A. Mike Pesetta, something like that, I couldn't spell it.

Q. He was your Employee Representative?

A. Yes, he was representative, before.

Q. Now, about when was this that he asked you to join the Association?

A. Oh, it was about a couple of weeks before the strike broke, somewhere right along in there.

MR. DAY: You say about the early part of May?

THE WITNESS: Yes.

MR. DAY: I want to object to this conversation between this witness and—What is this man's name?

MR. GROSSMAN: Employee's Representative, Mike.

MR. DAY: Mike. On the same ground we objected to similar conversation between the witness Cain and one Baldwin, and to all conversation between them on this same general subject.

TRIAL EXAMINER LINDSAY: That objection is overruled. Let the record show an exception.

Q. Now, what did Mike say to you, Mr. Riffle?

A. Well, he say, "You better join the union to keep them inside union, and to keep CIO out."

Q. And this was while you were working in the mill?

A. Yes, when we were working, right in the car, and he run the truck, and we worked together all the time.

Q. Did he say anything else to you?

A. Why, he says I got a son down there works down there and he is roller, and he says, "How does it come as your son he has good job, join the union?" I say, "I have got nothing to do with him, he is married and he has living home, he has his own business." He said, "How is it your

son has got such a good job, if you don't want to join the union? Good job if you don't want to join union."

Q. I hand you Board's Exhibit 79, and ask you if that was the card Mr. Mike asked you to sign?

A. Well, I think it was something like that, yes. Yes, that was a card like that.

Q. That was a card like that?

A. Yes.

Q. Now, did you sign that card?

A. Yes, I signed one card was all.

Q. I didn't hear you.

A. I signed one out there in the mill.

Q. You signed one in the mill?

A. Yes, card was parcel post.

Q. Parcel post?

A. Yes, mailed it in.

Q. On the day the strike was called, what turn were you on?

A. I worked from 3 to 11 that day, was 11 o'clock, my eight hours is up, I am entitled to go home. We get through together, and the fellow what worked with me, we wanted to go and put for my stuff in the locker, and the boss got us and he say, "Who is working in this department?"

Q. Who is that boss?

A. Bill Thompson.

Q. Yes.

A. He say, "Who is in this department, he wants to protect his own job." He say, "He ain't got no job in this department."

Q. What did you do then?

A. Well, we just got excited, and didn't know what to do, I am getting very age, I don't want to lose job, I have got family, just walk around a couple of hours like, don't know what to do.

Q. Then did you go home?

A. No, after I stay in, and he say, "If you want any-

thing to eat," he gave me tickets for 50 cents. I go to restaurant, never get anything.

Q. Just a minute, you stayed in the mill that night?

A. Yes.

Q. Did you sleep in the mill?

A. Yes, sleep in the mill.

Q. Where did you sleep?

A. Right on the floor behind the wall, I put a paper down, put my coat down, lay there a couple of hours.

Q. Slept on the floor?

A. Yes.

Q. The next morning, what happened?

A. Got up, walk around again, walk to the restaurant, he give me for 50 cents them tickets and I don't give me nothing, he give me one hamburger, one coffee and hamburger, was no fry, it was too quick, he had a lot of men there, he was busy; I ate that and after that I got sick, I never feel good at all, but this was about 10 o'clock, I go to the hospital, and the doctor told me, he said, "If you no feel better, you come back in hour or hour and a half or two hours." I come back, that was about 1:30 or 2 o'clock and the doctor told me to—he say to the nurse, he say, "You better send John home." "He got nervous, he look like he get sick out of that mill."

And Mr. McClain was in there, he say—he say, "Johnny, did you want to go home?" "Yes," I say, "I want to go home, I am afraid to go out through the picket line, I afraid somebody hurt me." "Well," he say, "I will take you home."

Well, I go out home.

Q. Mr. McClain took you out?

A. That was the second day after strike.

Q. Who is Mr. McClain?

A. He is the safety man, down in the mill.

Q. He is what?

A. Safety man.

Q. Safety man?

A. Yes.

Q. Did you ever try to get your job back after that, Mr. Riffle?

A. Yes, afterwards, was the Government and soldiers and he says for protection for not to work, and I call up on the 28th of June and Thompson say he has got nothing to do yet.

Q. This was Bill Thompson on this?

A. Yes, he says: "I got nothing to do." He says: "I got all the men I need."

Well, I went again, and I called the 3rd of July; he says, same thing, call him again the 7th, he told me the same thing, and after I called him pretty nearly every week once, he says: "Nothing doing." He says he don't know when there is going to be anything for me.

Q. When was the last time you called him, you say?

A. Last time?

Q. Yes.

A. Well, I called him—when—Saturday a week ago.

Q. Saturday a week ago?

A. Yes, and I was—

Q. Have they taken on any new men in your department, do you know, Mr. Riffle?

A. Yes, he take new men on; that's why—

MR. DAY: I object, unless he knows.

Q. (By Mr. Grossman) To your knowledge, have they taken on any more men in your department?

MR. DAY: I object unless he shows from actual knowledge.

THE WITNESS: Another man, yes, three men going on—

TRIAL EXAMINER LINDSAY: Just a moment. Read the last few questions and answers.

(Record read.)

TRIAL EXAMINER LINDSAY: There are two objections there. They are both overruled.

Let the record show an exception.

(Exception by Respondent.)

Q. (By Mr. Grossman) Now, Mr. Riffle, you said there were three men taken back?

A. Yes, he working now, I think Wednesday, four weeks since he was on the job.

Q. These three men are working four weeks?

A. Yes.

Q. You stated a while ago that you were working in the mill for 11 years?

A. I worked since 1926. I broke all men in, 18 men in the gang. I am oldest man in the gang.

Q. These new men who were taken on, were they there for a shorter period than you?

A. These work a little bit over a year.

Q. They had worked a little bit over a year?

A. Some of them maybe about a year and a half now already.

MR. GROSSMAN: That is all.

Cross Examination

Q. (By Mr. Day) Mr. Riffle, how long had you worked for the Republic Steel Corporation?

A. Since '26.

Q. 1926?

A. Yes.

Q. Up until May, 1937?

A. Yes.

Q. And then the C. I. O. came in and you had a strike?

A. Yes, we went on strike.

Q. And you have been out of a job since then?

A. Yes.

Q. And you joined the C. I. O. after the strike started?

A. Yes, I got out on the 27th, and the 28th, after I join in C. I. O., second day what I came out.

Q. The second day after you went out on the strike you joined the C. I. O.?

A. Yes.

Q. Was the plant that you worked in down or not? Was it shut down?

A. Plants working.

Q. What?

A. You mean—

Q. What plant did you work in in Warren?

A. Which plants?

Q. What plant?

A. Cold strip.

Q. Was that shut down during the strike?

A. No.

Q. It was partly open, was it?

A. Eighteen men in the gang, nine men out, and nine at work.

Q. Nine at work?

A. Yes, eight of them work.

Q. How long did they stay?

A. Stay in today yet.

Q. How long did the men stay in and could not get out?

A. As long as they send the soldier. I don't know which day was that.

Q. You say after you had been there a day or two you were taken sick?

A. Yes, I was in one night, and I got sick, I had to go home.

Q. You said you were afraid to go home?

A. Yes.

Q. You were afraid of the pickets?

A. I was afraid of the pickets, and Mr. McClain let me out of the gates.

Q. And Mr. McClain is sitting back here, right over here (indicating)?

A. Yes, he is sitting back there.

Q. He took you home?

A. He took me out on the street.

Q. He drove you out in an automobile?

A. How?

Q. He drove you out in an automobile?

A. No, just ask leader on the picket line to no bother me.

Q. He asked the picket line leader not to bother you, and you went home?

A. I go home.

Q. Where did you live?

A. In Warren.

Q. Whereabouts in Warren?

A. 2806 Youngstown Road.

Q. 2806 Youngstown Road?

Just a moment.

This man that talked to you about the Union, what was his name? You have told us about this gentleman—what was his name? Mike Somebody?

A. Mike Pesetta.

THE REPORTER: How do you spell that? P-e-s-e-t-t-a?

THE WITNESS: No, that's not the right name? I don't know how to spell it.

Q. (By Mr. Day) Who was he? What does he do?

A. He runs tractor.

Q. How?

A. He runs tractor to push steel, to push them trucks.

Q. He was an employee at the mill?

A. Yes, and he was represent before, then, was Company Union before the Wagner Act upheld.

Q. He was the representative in the Company Union before the Wagner Act was upheld?

A. Yes.

MR. DAY: I guess that is all.

MR. GROSSMAN: That is all.

(Witness excused.)

TRIAL EXAMINER LINDSAY: We will have a short recess.

That is all, Mr. Riffle.

(Thereupon a short recess was had.)

TRIAL EXAMINER LINDSAY: The hearing is called to order.

MR. GROSSMAN: Mr. Lewis.

ALBERT N. LEWIS

was thereupon called as a witness for and on behalf of the National Labor Relations Board, and, having been duly sworn, testified as follows:

Direct Examination

TRIAL EXAMINER LINDSAY: Now talk right up so we can hear you.

THE WITNESS: Yes.

Q. (By Mr. Grossman) Will you state your full name, Mr. Lewis, please?

A. Albert N. Lewis.

Q. Albert N. Lewis?

A. Yes, sir.

Q. And your address?

A. 419—or 578 South Street—it was 419 Charles. I just moved.

Q. What is that?

A. 578 South Street, Southeast, Warren, Ohio.

MR. DAY: How do you spell his last name?

MR. GROSSMAN: L-e-w-i-s.

MR. DAY: Thank you.

Q. (By Mr. Grossman) When did you start to work for the Republic Steel Corporation?

A. May 12, 1929.

Q. At what plant was that?

A. Republic Steel, in Warren.

Q. The Warren plant?

A. Yes.

Q. What sort of work did you do?

A. Well, I was a loader in the shipping department, loaded box cars. Well, we loaded the cars and bundled up the stuff, and gondolas, and hooked them on, sometimes, loaded the gondolas, loaded trucks, anything that had to be shipped.

Q. Which department in the plant was that?

A. Cold strip.

Q. Cold strip shipping?

A. Yes.

Q Now, these box cars, they were railroad cars, were they?

A. Yes, sir.

Q. Are you a member of the C. I. O.?

A. Yes, sir.

Q. When did you join the C. I. O.?

A. May 27th.

Q. Of this year?

A. Yes, sir.

Q. You stated that you started to work for the Republic Steel Corporation in 1929. Did you work steadily then?

A. Yes, sir.

Q. Until this year?

A. Yes, sir.

Q. When did you stop working?

A. Well, I stopped on May 27, about two o'clock.

Q. When was the strike called?

A. May 26th.

Q. May 26th?

A. Yes, sir.

Q. What turn were you on?

A. Three to eleven.

Q. How?

A. Three to eleven.

Q. Did you go home at eleven o'clock that day?

A. No, sir.

Q. You did not?

A. No, sir.

Q. Why did you not go home?

A. Well, we worked until eleven o'clock, and put our tools away, and we started to go home, the four of us, and he told us: "You have to stay in here to protect your jobs." He said: "If you go home—"

Q. Who was this that said that?

A. Bill Thompson. He said: "If you go home, you won't have any more jobs in this department."

Q. And you stayed on?

A. I stayed in until the next day.

Q. Was it because of that, of what Mr. Thompson said?

A. Well, sure, I knowed if I went home I wouldn't have no job from what he told me.

Q. Did you sleep in the mill that night?

A. Yes, sir.

Q. Where did you sleep?

A. I slept on the floor.

Q. What happened the next morning?

A. The next morning I got up about—well, six o'clock, I guess, smoked a cigarette, and got an order and went to the restaurant, and waited in line, and all they had was hamburger sandwiches and coffee. I got two sandwiches and two cups of coffee, and went down and sat down on a box and ate them.

About half an hour after I ate them I began to get sick, and I vomited around all day, and about one o'clock I went to the boss and said: "Bill, let me go home," I said, "I am sick." He said: "Go to the hospital."

Q. This is Bill Thompson?

A. Yes. I went to the hospital, and they give me—Dr. Thomas said: "You are just nervous in your stomach, you are upset." He gave me a shot of medicine, I don't know what it was.

So I came back and walked around there, and the longer I stayed, I just began—I was nervous—so I just walked out, and started to walk out, and I see Willie Gooseman—

THE REPORTER: How do you spell that name?

THE WITNESS: I don't know just how he does spell his name.

And I met him, and I rode home with him.

Q. What hospital was that you went to? Was that the mill hospital?

A. The mill hospital.

Q. And Dr. Thomas, is he the man who is in charge of the mill hospital?

A. Yes, sir.

Q. And he sent you home?

A. He didn't send me home. He told me to go on back. I went on back on my job, and I stayed there about an hour, I guess, and then I walked out home. I didn't see Mr. Thompson at the time I went home. I told him—I told a couple of check men there, I said: "I am going home, I am sick."

So I started home. I met this Mr. Gooseman; he took me home.

Q. After you went home, did you feel better?

A. I went home, I was sick. My wife had supper, and I tried to eat, I couldn't, I vomited again, and I went to the doctor.

Q. And you were under the doctor's care?

A. Yes, sir.

Q. Were you ever approached in the mill and asked to join the Independent Employees' Association, Mr. Lewis?

A. I was.

Q. You were?

A. I was, yes, sir.

Q. Do you remember about when that was?

A. Well, it was about on or before July 23rd, around there some place, I have no dates.

Q. What date was that?

A. I say on or around July 23rd, something like that.

Q. July 23rd?

A. Yes.

Q. Of which year?

A. 1937.

Q. I asked you if you were ever approached in the mill?

A. Yes, sir.

Q. You were not in the mill on July 23rd?

A. No. Let me see—let me see—June, I guess—May or June.

Q. Now, you left the mill on May 27th, you have testified a while ago?

A. Yes.

Q. It was May 27th?

A. Yes.

Q. When were you asked to join the association in the mill?

A. Well, it was May—May—May—May 23rd, that's when, before the strike.

Q. May 23rd?

A. Now I got it.

Q. (Indicating) I hand you Board's Exhibits Nos. 78, 80 and 81, and ask you if you have ever seen those before, Mr. Lewis?

A. Yes, sir.

Q. Where did you see them?

A. I got one through the mill, I throwed it away. I saw one in the mill.

Q. Is this the card you were going to sign on May 23rd (indicating)?

A. Yes, sir, just like that; it wasn't that one.

Q. Well, that is a copy of it?

A. Yes.

MR. DAY: We want to object to this testimony on

the same ground that we objected to the testimony of the other witnesses.

TRIAL EXAMINER LINDSAY: The objection is overruled.

Let the Record show an exception.

(Exception by Respondent.)

Q. (By Mr. Grossman) Who was it that asked you to join the Independent Employees' Association?

A. Well, Mike Maggiamo asked me a couple of times to do it.

Q. What is his name?

A. Mike Maggiamo.

MR. GROSSMAN: M-a-g-g-i-a-m-o.

THE WITNESS: He is a Company representative?

Q. (By Mr. Grossman) You say he is a representative?

A. He is a Company representative, yes.

Q. He is a company representative?

A. Yes, sir, and he runs a truck down there, too.

Q. What did he say to you?

MR. DAY: I just want to object to this testimony on the same grounds as we objected to a similar conversation between Mike Maggiamo and another witness.

TRIAL EXAMINER LINDSAY: All right. The objection is overruled.

Let the record show an exception.

(Exception by Respondent.)

BY MR. GROSSMAN:

Q. You say he was a representative. Was he a representative of the Employees Representative Plan?

A. Yes, he is a representative in the cold mill there.

Q. In the cold mill?

A. Yes, sir.

Q. Was that the Company Union that you are talking about?

A. Yes, sir.

Q. What did he say to you when he talked to you on the 23rd of May?

A. He said: "Lewis, ain't you going to sign up that E. I. A. card?" or whatever it was. I said: "No, I don't want to sign it, Mike." He said: "You fellows have got a good job here, you want to protect it." That's all he said. I walked away.

Well, then, in the afternoon, I see Shorty Dishon.

MR. DAY: Who?

BY MR. GROSSMAN:

Q. Who is Shorty Dishon?

A. That's a fellow that works in our gang, one of our gang. Him and Thompson was in the conversation on the platform.

Q. Just a moment, I am sorry, just a moment. Mr. Thompson is your boss, Bill Thompson you are referring to?

A. Yes.

Q. Will you continue, please?

A. He was in a conversation on the platform with this Shorty Dishon, and I come out of the carpenter shop, I had some lumber, we was breaking a car. When I passed him he said in a grouchy way, he said: "Lewis, did you see Shorty?" I said: "No, I haven't, Bill," and went on.

Well, we finished breaking the car, and we went down to the bundling floor, it was about 20 minutes after, and Shorty, he called me out on the platform. He told me: "Lewis," he said, "you better join this thing. You got a good job here. You have to belong to either one, the C. I. O. or this here."

"Well," I said, "Shorty, I would rather leave it alone, and not bother with either one."

He said: "No, you have got to have one or the other

to represent you." I said: "Well, I haven't got that card now," I said, "I throwed this card away."

MR. DAY: I didn't understand. Is this a talk between you and Thompson, or between you and Shorty?

THE WITNESS: This was between me and Shorty Dishon.

MR. DAY: I object on the grounds already stated.

TRIAL EXAMINER LINDSAY: The objection is overruled.

Let the record show an exception.

(Exception on behalf of Respondent.)

BY MR. GROSSMAN:

Q. Will you continue, Mr. Lewis, please?

A. Yes. I told him I throwed that card away. He said: "Well, I can get you a card." And I studied a little bit. I said: "Well, if there is no other way out of it," I said, "O. K."

And he went in to Bill Thompson's office, and got a card, and brought it out under his apron, and gave it to me, and he took me out up back of the lumber shed, and I signed it up.

Q. He went to Bill Thompson's office to get the card, and then took you back of the lumber shed?

A. Yes, and afterwards he went back to Bill Thompson's office.

Q. After the strike—you left the mill on May 27th—did you ever try to go back to work again, Mr. Lewis?

A. Yes, sir.

Q. When was that?

A. Well, I called up the boss on the latter part of July, some time, along the last of July.

Q. Who was it you called?

A. Bill Thompson, my boss.

Q. Will you state for the record what transpired then?

A. I said: "Well, Bill, this is Albert Lewis." I said:

"I called you up to see if I have a job down there." He said: "I don't know, Lewis. I can't talk over the telephone." He said: "You come down and see me."

That was on Saturday, and Monday I went down to see him, then. So I went in and I said: "Hello, Bill." He said: "Hello." I said: "Well, Bill, I come down to see just how I stand," I said. "If I have got a job here or not, if I haven't got a job," I said, "I am going to look for another job some place." He said: "Well, if you can get another job," he said, "go ahead and take it," he said, "although I have nothing agin you, if you haven't been arrested, or nothing."

I said: "Well, I haven't been arrested." He said: "Well, you know, all the warrants haven't been sworn out yet." I said: "I know they haven't any for me." Well, he said, "Well, I have nothing for you to do now, I have nothing for you now."

Q. Did Mr. Thompson say anything to you about being rehired at that time?

A. Yes, sir, he said if I was rehired I would have to start in as a new man.

Q. Was there anything else that occurred during that conversation with Mr. Thompson?

A. Well, I asked him about my vacation there. Mr. Thompson was there, and he said: "Your vacation check is held up."

Q. Were you entitled to a vacation at that time?

A. Yes, sir, I asked for it a week before the strike.

Q. Who did you ask then?

A. I asked Bill Thompson for it.

Q. What did Mr. Thompson say?

A. He said he couldn't get it through that week for anybody. He said we would have to wait.

MR. JONES: Said what? I did not get your answer.

THE WITNESS: He said he couldn't get it

through that week, we would have to wait.

BY MR. GROSSMAN:

Q. And at this time when you asked him, the end of July, he said it was being held up?

A. Yes, sir.

Q. Did you try to contact Mr. Thompson after that?

A. I called him up a week after that, and I said: "Bill, anything doing?" He said: "Nothing doing yet, Lewis."

Q. Did you call him or any other official of the Company after that?

A. I didn't call him. My father-in-law went to my superintendent, Mr. Burke, and tried to get me back.

Q. When was this?

A. That was on—about August 13th.

Q. About August 13th?

A. Yes, somewhere around in there.

Q. Well, what prompted your father-in-law to go to Mr. Burke?

A. Sir?

Q. What prompted your father-in-law to go to Mr. Burke to try and get your job back?

A. Well, he knowed I was back on my rent, I would have to move, and I was going to move in with him, and he said: "Well—"

MR. DAY: I object to the conversation between himself and his father-in-law.

TRIAL EXAMINER LINDSAY: Yes, I will sustain that objection.

BY MR. GROSSMAN:

Q. Did your father-in-law work in the mill?

A. Yes, sir, he worked—I think he said he had seen Mr. McClain, or somebody down there, and they had to get Burke in—

Q. Who was Mr. McClain?

A. Well, Safety Director down there, I guess, he is a pretty good friend of Browning's.

Q. Who is Mr. Browning?

A. Mr. Browning is my father-in-law.

Q. Go ahead.

MR. DAY: I object unless this man went along. I do not think anything that he said is admissible in evidence.

THE WITNESS: No, but Mr. McClain got my father-in-law and Mr. Burke together.

MR. DAY: Well, but unless the witness was there—

TRIAL EXAMINER LINDSAY: Strike out that answer and I will sustain the objection.

BY MR. GROSSMAN:

Q. To your knowledge, Mr. Lewis, were any other men hired in your department during the time you were asking Mr. Thompson to take you back?

A. He hired—he took three men back before I asked him, three men younger than I am, that worked there about a year and a half, I should say.

Q. When were these men hired, after you had asked for your job the first time?

MR. DAY: He said before.

JUDGE SMITH: He said before.

MR. GROSSMAN: Before?

MR. DAY: Yes.

MR. GROSSMAN: I had not heard it.

TRIAL EXAMINER LINDSAY: Do you withdraw your objection?

MR. DAY: Why, yes, if he does not answer the question, I withdraw the objection.

MR. GROSSMAN: That is all.

Cross Examination

BY JUDGE SMITH:

Q. Now, your job, you say, was in the cold strip de-

partment, that is the shipping department of the cold strip department?

A. That's right.

Q. How many men were employed in that department?

A. Eighteen.

Q. Eighteen?

A. Yes.

Q. And Mr. Thompson was the boss, was he?

A. Yes, sir.

Q. And you had worked in that department from 1929 up to the time of the strike?

A. Yes, sir.

Q. Now, as I understood you, you were working on the turn, on the day of May 26th, from three to eleven o'clock?

A. That's right.

Q. And the strike was called for what hour?

A. It was called—I don't know—around six o'clock, I guess, that night. I know they had all the men out there.

Q. I know, but they were to walk out at what hour?

A. At eleven o'clock.

Q. At eleven o'clock?

A. Yes.

Q. That's the end of that turn?

A. Yes, sir.

Q. And you worked there until that time?

A. Yes, sir.

Q. Then you stayed in the mill until the following day?

A. Yes, sir.

Q. And you say that the next day, that staying in the mill, that you went over to breakfast, and you got sick after you ate your breakfast?

A. Yes, sir.

Q. Well, you have known Dr. Thomas there for a long time, have you not?

A. Yes, sir.

Q. The doctor there?

A. I have.

Q. He is known as a very excellent physician, is he not?

A. Yes, he is.

Q. And one of the first citizens of Warren, is he not?

A. I think he is.

Q. Then after seeing you, he gave you some medicine, and told you to go back, and that you would be all right in a little while?

A. Yes.

Q. You went back and waited there for a short time?

A. Yes, I would say,—

Q. And then walked out?

A. Yes, sir, out.

Q. Yes.

A. I would say an hour or so.

Q. Yes. About what time of the day was it when you left, then?

A. Well, I would say it was two o'clock.

Q. Two o'clock?

A. Yes, sir.

Q. And you joined the C. I. O. that day?

A. That evening.

Q. That evening?

A. Yes, sir.

Q. Somebody came out to your house to get you?

A. No, sir.

Q. Where did you join, then?

A. I went down to the headquarters.

Q. I see. Had anybody been out to see you, or called you, in regard to it, about you going down to headquarters?

A. No, sir.

Q. Who was the doctor that you went to see after you had gone home?

A. Dr. Rudolph.

Q. Was that after you had had your supper that you went to see him?

A. Yes, sir—well, I didn't eat—I just drank a cup of coffee, and I couldn't eat, I just started to eat, and I vomited up right away, and then I got ready and went to the doctor.

Q. And while you were out to the doctor, is that the time you went to the C. I. O. and joined?

A. I went afterwards.

Q. Were you active in the strike there after you had joined the C. I. O.?

A. Well, I was—I went down to the picket line a couple of days.

Q. It was just two days you were on there, or three?

A. I was on a couple of nights, and then I walked down one day, in front of the main gate.

Q. You were stationed at the main gate, you say?

A. Yes. sir.

Q. Was that right after you had joined that you went on the picket line for a couple of nights and a day?

A. No—

Q. Or at a later time?

A. I would say it was maybe a week or two afterwards.

Q. A week or two afterwards?

A. Yes.

Q. Were you requested to go on the picket line, or did you go down voluntarily?

A. I just walked down on my own accord.

Q. I see.

A. I walked down, and when I got ready to come home, I walked home.

Q. Now, this name—I did not quite get it—Mike somebody that you say talked to you in regard to the joining of this Employees—

A. It was Mike "Maggiama"—or "Maggiamer"—I can't just pronounce it.

Q. What did he do?

A. He run a tractor down there; he pushed the loads in the cars for us.

Q. He was one of the employees that was on this particular gang that was helping doing the work you were working at?

A. Yes, he was running a tractor for the same boss, there.

Q. Mr. Thompson was his foreman, too?

A. No, I think he came in under another foreman.

Q. I see.

A. I think he came under the electric department; I wouldn't say for certain.

Q. I see. You signed one of these applications, you say?

A. The E. I. A.?

Q. Yes.

A. Yes, sir.

Q. No, this Union—where is the one—(Counsel picks up exhibits)—(Indicating Exhibit 79). Is this the kind of an application that you signed at that time that you spoke of Shorty Somebody talking to you about it?

A. That's it.

Q. Well now, Shorty was—where did he work?

A. He worked right in our gang.

Q. Doing the same kind of work that you were doing?

A. Yes, sir; yes, sir.

Q. And his foreman was Bill Thompson?

A. Yes, sir.

Q. Now, you went out on the 27th, and you joined the C. I. O. the next day, and then later on went on the picket line.

Do you remember when it was that the men went back quite a number of the men went back, when the plant

opened? Do you remember what day in June—

MR. GROSSMAN: I object.

A. Well, there was one guy—

MR. GROSSMAN: I think he testified, Mr. Examiner, that he joined the C. I. O. that very night, the 27th.

MR. DAY: Yes.

TRIAL EXAMINER LINDSAY: Change your question, please.

JUDGE SMITH: All right, I will withdraw the question as I have it, to make this sure.

BY JUDGE SMITH:

Q. You joined the C. I. O. the night of May 27th?

A. Yes, sir.

Q. And you were on the picket line some time subsequent to that time?

A. Not at that time; I would say it was a week.

Q. I say, some time after that?

A. After that.

Q. Some time subsequent to that?

A. Yes, sir.

Q. Do you remember when it was that a number of the men went back at the time that the Company opened the plant?

A. Well, there was only one went back in our gang at the time.

Q. You knew there were a number of employees did go back, and you know they were notified that the mill was opened, and they could come back at some time in June?

A. I was never notified.

Q. June 25th, don't you remember?

A. I don't know; I was never notified.

Q. Well, you knew that there were a number of people did go back, did you not?

A. I know the soldiers came there, I know that, and there was a bunch of them went back, I know that.

Q. And you know a number of the employees went back, too, do you not, on the 25th of June?

A. I only know of one of ours that went back.

Q. Do you know of any of the other gangs that went back?

A. No, sir, I didn't.

Q. But you knew that the Company was looking for the men and wanting the men to come back, did you not?

A. I sure did.

Q. Starting with the 25th of June?

A. I didn't know they wanted me to come back.

Q. Well, you did not try, did you, on the 26th of July?

A. No, sir, I didn't try.

Q. And from the time you went out on the 27th of May, until the 26th of July, you did not attempt to find out whether you had a job there or not, did you?

A. I didn't.

Q. And then on the 26th of July, if I am correct in regard to June 25th, which I think it is admitted is the date that the plant opened, there was 31 days there that you did not inquire about your job, even?

A. I didn't.

MR. GROSSMAN: I object, Mr. Examiner, there is not any such admission in the record. This is the Warren plant we are talking about.

JUDGE SMITH: I think it was the same time with all of these plants.

MR. GROSSMAN: No, the only statement in the record thus far is that the plant was opened at the time—

JUDGE SMITH: Well, the plant was opened at June 25th, you are willing to admit that, are you not?

TRIAL EXAMINER LINDSAY: I think the record will show that the plant at Warren never closed down, is that not right?

JUDGE SMITH: Well, there were about three men, employees, stayed in the plant.

(Loud general laughter in the Courtroom.)

JUDGE SMITH: I do not think that the record shows it, but I happen to know that to be a fact.

TRIAL EXAMINER LINDSAY: I think I will sustain the objection to that question,—to that line of arguing with the witness.

JUDGE SMITH: Well, I was not trying to argue with the witness. I was trying to find out what the witness knew about it.

BY JUDGE SMITH:

Q. You say there was one man of your gang went back on the 25th of June?

A. Yes, sir, they came out and got him.

Q. And it was not until the 26th of July that you made any inquiry about your job?

A. That's right.

Q. You say there were three men that went back, that they had taken on there, but that they went back prior to the time you made inquiry as to the job yourself?

A. Yes, sir, he had taken them back, and then I called up afterwards.

JUDGE SMITH: Yes. That is all.

MR. GROSSMAN: That is all, Mr. Lewis.

(Witness excused.)

MR. GROSSMAN: Mr. Green.

RICHARD GREEN

was thereupon called as a witness for and on behalf of the National Labor Relations Board, and, having been duly sworn, testified as follows:

TRIAL EXAMINER LINDSAY: William Green?

THE WITNESS: Richard Green.

Direct Examination

BY MR. GROSSMAN:

Q. State your full name, please.

A. Richard John Green.

Q. And your address, Mr. Green?

A. 859 Prospect Avenue, Warren, Ohio.

Q. When did you first start to work for the Republic Steel Corporation?

A. About April, 1928.

Q. Now, was your employment continuous?

A. No, I quit in October or November of that year, I believe, and then returned the 2nd day of January, 1929.

Q. You were re-employed in January, 1929?

A. Yes.

Q. Was your employment continuous after that?

A. Continuous after that.

Q. What plant of the Republic Steel Corporation did you work in?

A. In the Warren plant, the hot strip finishing department.

Q. What did you do in that department?

A. I was a breaker operator.

Q. Pardon?

A. I was a breaker operator.

Q. What does a breaker operator do?

A. A breaker is a machine that you straighten the steel, break the cross breaks out of it, and the scale off of it, and recoil the coils, sometimes.

Q. Are you a member of the C. I. O., Mr. Green?

A. I am.

Q. When did you join the C. I. O.?

A. March 2nd, 1937.

MR. DAY: 7th, did you say?

THE WITNESS: March 2nd.

MR. DAY: Thank you.

BY MR GROSSMAN:

Q. Do you recall a conversation with Mr. Paige on March 6th, 1937?

A. I do.

Q. Will you state, first, who Mr. Paige is, and then the substance of that conversation, please?

A. Mr. Paige is my foreman on day turn, in the hot strip finishing room.

Shortly before noon on March 6th there had been a meeting of the Company Employees Representative Plan in the foreman's office.

TRIAL EXAMINER LINDSAY: Let us have it quiet back there.

A. (Answer resumed) Mr. Paige came over from that meeting. He was very mad. He said: "I want to talk to you in the office right away," meaning the cutting machine office. We went over there, the cutting machine office was occupied, so he took me in a mechanic's shed adjoining that. We were all by ourselves.

BY MR. GROSSMAN:

Q. Just a little slower, please.

A. He said: "I called you in here, I want to ask you something. I want you to tell me the truth." I said: "I always have told you the truth, Ralph." He said: "I know that, that's why I called you in here." He said: "I hear your buddy, Jim Airwyke, is signing up members in the C. I. O." I said: "Yes, as a matter of fact, he signed me up."

He said: "What did you want to do that for?" I said: "We men around here are not satisfied with the Company Union Plan. As it is," I said, "we have no representation at all."

And he says: "You have been here long enough to know this Company's policy towards outside unions." He said: "You take my warning and get out of it, and every-

thing will be O. K." He said: "I like you, and I don't want to see anything happen to you."

Q. Do you know what that policy was that Mr. Paige referred to?

A. It was a policy if you joined an outside union you were in danger of losing your job.

MR. DAY: Did anybody say that, or is that your conclusion?

THE WITNESS: I know that as a fact.

MR. DAY: I move that be stricken out, his own conclusion as to what the policy of the Company was.

TRIAL EXAMINER LINDSAY: Yes, that may be stricken.

BY MR. GROSSMAN:

Q. Did anybody ever tell you that at any time?

A. That was general knowledge around there.

MR. DAY: I move—

THE WITNESS: All the men felt that way, anyway.

MR. DAY: I move that be stricken out, that everybody felt that way.

BY MR. GROSSMAN:

Q. Did anybody tell you that at any time?

MR. DAY: I object; he can answer it yes or no.

A. Several of the members said that.

TRIAL EXAMINER LINDSAY: Just a moment.

He may state if he knows as to the general feeling of the men with whom he worked.

I will overrule your objection on that point and let the record show an exception.

MR. GROSSMAN: Read the question, please.

(Last question read by the Reporter.)

A. Yes.

MR. DAY: Let the record show the reason for the objection is that the Respondent cannot be bound

by the feeling of the men at work as to what the Company's policy was.

TRIAL EXAMINER LINDSAY: If he knows, he may answer. The objection is overruled, let the record show an exception.

(Exception by Respondent.)

MR. GROSSMAN: Read the last question.

(Last question read by the Reporter.)

BY MR. GROSSMAN:

Q. Did Mr. Paige say anything else to you during that time, Mr. Green?

A. Yes. He asked me if I had been attending any C. I. O. meetings. I told him no, I hadn't attended any yet. He said: "Well, you will be safe if you stay away from them."

MR. DAY: What is the position of Mr. Paige?

MR. GROSSMAN: He is his foreman.

MR. DAY: I object to the testimony on the ground it is not shown that the witness had any authority to bind the Respondent, and no knowledge on the part of the Respondent, no authorization.

TRIAL EXAMINER LINDSAY: The objection is overruled. Let the record show an exception.

(Exception by the Respondent.)

BY MR. GROSSMAN:

Q. Some time after that, Mr. Green, do you recall being called to the office of your superintendent about your work?

A. Yes, on March 20th, I worked—

Q. Will you explain—

A. —I had worked, eleven to seven turn, and then I had run some steel that didn't come up to their specifications.

Q. Will you explain everything that happened?

A. Well, I went home at seven in the morning, and went to bed. About ten o'clock in the morning a colored

fellow that worked on the other breaker come up after me and said Mr. Paige had called him—and told him to get in touch with me, and get me down there right away, that Mr. Minahan, the superintendent, wanted to talk to me.

I went down, and I went in Mr. Minahan's office. Mr. Paige come in, and took me out to show me the steel. I explained to him that I hadn't been able to get it the way it should have been.

Q. Well, why was that?

A. As my rolls were worn in the machine, and I couldn't get it flat the way it was supposed to be, it was sort of wavy.

Q. Did you report that to the foreman?

A. My foreman knew it was coming out wavy, and he said he didn't think it hurt anything.

Q. Had that happened before?

A. Yes, it had happened before, they never call for 100% work, there were certain things they were allowed to pass.

Q. Do you mean, Mr. Green, that there were certain orders that you could run that did not have to be perfect?

A. Yes, they were going through other processes and they would, lots of times, take care of certain defects that we couldn't take care of.

Q. Did you understand that to be one of those operations?

A. I understood that to be one of those operations.

Q. What else did Mr. Minahan say to you?

A. Well, Mr. Paige and I went back into Mr. Minahan's private office. Mr. Minahan said: "Red, did you see that steel out there?" I said: "Yes." He said: "It is no damned good." I said: "That's so, I guess." He said: "I am going to have to lay you off, and seeing that you have been laid off twice before, I will have to let you go."

I said to him the first lay-off hadn't been my fault, and I explained the second. I explained the circumstances that

I wouldn't have lost no time because of it. He said: "That's all water over the dam, and I will have to let you go."

Q. What were the circumstances that you referred to?

A. One because there was some steel scratched going through the operator, and the operator was responsible for it, not me, and I took the lay-off rather than make trouble about it, at that time.

Q. How long was that?

A. Oh, that was three days.

Q. What were the circumstances of the other lay-off?

A. The other lay-off was because we refused to shovel coke one night. The other men refused, too, to go out and do it, and we went home. The next night we come out and they sent us home, and we stayed home indefinitely.

Q. Now, will you explain in detail what occurred before that second lay-off, when you were asked to shovel coke?

A. Well, both machines started work at 11 o'clock at night. The one machine—

Q. What was this, do you remember?

A. That was last spring about the time that—a year ago last spring about the time of the big flood.

Q. Will you fix the month?

A. It was in March, I believe.

Q. March, 1936?

A. Yes. We both started—all four men started working on the two machines. There wasn't very much work, and No. 1 breaker ran out of work about a half hour ahead of us, my machine. Mr. Roderick, the foreman, came around, told the two men on that machine, he says, "You go out and shovel coke."

They says, "Oh, we don't want to, get the other fellows to do that."

He came over and says, "You guys go out and shovel coke." We told him we didn't want to either, laughed

about it, "He chases us out to shovel coke" we didn't pay any attention to it. And the other man went out and went home, we went home too.

Q. You mean the other men who had been asked to shovel coke previously had gone home?

A. Yes.

Q. Who was your foreman that time?

A. Mr. Roderick.

Q. Roderick?

A. Yes.

Q. What happened after that?

A. We went home. Next night we come in but Mr. Roderick sent us home, he said, "Stay home until I send for you."

Q. What did you do after that?

A. That was around Friday night, I believe. We stayed home, come out Monday morning to see Mr. Minahan about it.

Q. Mr. Minahan was your superintendent?

A. He was our superintendent.

Q. Did you have a talk with Mr. Minahan?

A. Yes, we had a talk with him, told him he had asked the other men to go out, told the other men to go out, and he told us to go out, and because we didn't do it why he laid us off.

Mr. Minahan said if we would come in the next day and told him, we would not have lost any time over it at all.

Q. Now, getting back to this conversation about March 20th, with Mr. Minahan, did you mention this to him, in that talk?

A. Yes, I mentioned it to him. He said I should have taken all of those things up at that time. Well, I said, "I did take it up about shoveling the coke." And he said that other one that I was held responsible over the operator and I said it wasn't so, I didn't have anything to do with cracking that steel.

Q. Was anything else said to you at that meeting?

A. He said, "I could give you another chance, but you have been talking too much about the union, around here," he says, "if you were an ordinary sweeper, there would be some chance for you," he said, "if you had been any ordinary sweeper, there would have been some excuse for you, but you are more intelligent and should have known better."

Q. Is that the end of the conversation?

A. He come up and says, "As far as I am concerned, I am through with you."

I says, "You mean I am discharged?" And he says, "Yes." Then I left home and went home, then. And then later on I got in touch with Mr. Mayo, Regional Director of the CIO, and he secured the services of the Trumbull Lodge Committee, Trumbull Lodge No. 73, that is. And they got a meeting with the mill officials for James Airwyke and I. Mr. McClain, Mr. Minahan, Mr. Paige, Mr. Dunnavant were present for the company.

Q. State the title of these gentlemen you named.

A. I don't know what title Mr. McClain has. He has a lot of authority down there, I know that.

Q. He is a company official, is he?

A. Yes. Mr. Minahan was my superintendent. Mr. Paige was my foreman. Mr. Dunnavant was the superintendent of the Sheet and Tin Department.

The Trumbull Lodge Committee was there, Mr. Gracjier did most of the talking. Mr. Gracjier asked the reasons for my—

Q. Did you attend that meeting, Mr. Green?

A. Yes, I did, and Mr. Gracjier asked the reason for my discharge. They said I had been discharged for running a bad order, that I had the reputation for honesty around there, and Mr. Minahan thought that I had been laid twice before, and he was right in discharging me then.

And Mr. Gracjier asked Mr. Minahan what he meant by talking to me about the union when he discharged me.

Mr. Minahan admitted he should not have talked to me like that. I was the only one he talked like that to.

Q. Did he say he talked to you about the union?

A. Yes, and Mr. Gracjier asked Mr. Minahan if it was a set rule in his department that when a man was laid off three times, the man was discharged.

Mr. Minahan said no, only in certain cases.

Q. Did anything happen at that meeting?

A. I don't believe there was anything else, not that I can remember, not right now.

Q. Did you ever ask an Employee Representative to take your case up?

A. Yes, after this—it was before this meeting, I went to see the company employee representative. It was along just shortly after I was fired.

Q. About how long before this?

A. Well, it was about the last week in March, I went to see Mr. Glen Dugan, the company employee representative in our plant.

Mr. Dugan asked us if we had been attending any CIO meetings. I said, "Yes." Mr. Airwyke was with me.

"Well," he says, "I am afraid there is not much I can do for you, then, but I will try, and I will call you on the telephone when I have any news for you."

A week later he called and said Mr. Minahan would not even talk about our case, but Mr. Roderick had told him we were fired—I was fired for running a bad order, and he said that he could not understand the company's policy in putting statements in the paper that any man was free to join any union of his own choice and then when he did so, then they fired him for it.

Q. Did he say anything else to you?

A. That is about all Mr. Dugan said, I believe.

Q. Then after that you took the matter up with the Amalgamated Association?

A. With the Amalgamated Association, yes.

Q. After the Amalgamated Association had met with mill officials, what did you do?

A. Well, we just went home and waited, that is all we could do. They would not give them any answer on our case.

Finally, about April 24th, I believe it was, Mr. Reubendale said Mr. McClain would not take any promises.

Q. Who is he?

A. Reubendale is vice-president of the Trumbull Lodge. Said McClain would not make any promises, he might consider taking me back, but not James Airwyke or Arthur Scott.

That same day we told Mr. Gallagher from Youngstown also CIO that we had quit fooling around, we decided we would leave the Labor Board settle our case. The next Monday Mr. McClain called my mother-in-law on the telephone and told her to have me get in touch with him as soon as possible that he was very anxious to talk to me. I went down to the Republic Steel Mill main office, Mr. McClain was there. He took me in the office they use for this purpose there. He says, "I brought you in here to have a man to man talk with you."

He says, "I hate to see a young fellow like you get off on the wrong foot with the wrong crowd," he says, "I know more about you than you think. Mr. Sheldon who lives across the street from you—"

Q. What was that name?

A. Sheldon.

Q. Sheldon?

A. Yes, is a very good friend of Mr. McClain's and he said that she spoke very highly of me and he wanted to give me another chance.

He says, "Do you want to go back to work?" I says, "Yes, under certain conditions."

He says, "What are those conditions?" I says, "That I get my back pay."

He got very mad and said, "I will take you to the Labor Board and back four times before I give you your back pay." I said, "That is my conditions," and started to walk out.

He says, "Wait a minute, I want to talk some more with you." I stayed there, and he says, "There is no use you flying off the handle like this," he says, "you ought to let me call up Mr. Minahan and let him put you back to work."

I says, "No, I believe I have been unduly punished by being off six weeks now, as anyone else on that job that ever spoiled eight hours' work only got three days off, that was the most that anyone got." He says, "You don't think we ought to pay you for doing bad work, do you?" I says, "No, I am always willing to pay for my mistakes, but I think a week at the most would be enough for me to be laid off."

Q. Did Mr. McClain say anything to you about unions at that time?

A. Just that I was getting off on the wrong foot with the wrong crowd, that is about all he said about the unions, but I don't think he mentioned the unions by name.

And then he said, "If you change your mind, why," he says, "I see we can't agree," he says, "if you change your mind why let me know," and I went home, thought it over and about a week later I called Mr. McClain and told him that I would go back to work without back pay.

Q. When was that, do you remember?

A. That was around about the first week in May, I believe; around about the 3rd or 4th of May.

Q. Did you go back to work?

A. Well, I went down—I called and had made a meeting with Mr. McClain and he had Mr. Minahan come up to his office, he said he would like for us to talk it over together.

He went out and Mr. Minahan said he never had anything against me personally, that he took his orders from

higher up. He said that if I would get back and promise not to talk about the union there that I would be taken back and we would get along all right. I said, "O. K., I will promise not to talk about the union any more."

Q. This talk was with Mr. Minahan ?

A. This talk was with Mr. Minahan.

Q. He is your superintendent, you said?

A. Superintendent. Mr. McClain then come back in and he says, "Have you fellows fixed up?" We says, "Yes." He says, "All right, you go over to the employment office and they will put you on, give you your card to get back to work," and he says, "your record will show 'lay-off' instead of 'discharge'."

I went over and got signed up and went home. Later on, then Mr. Paige, my foreman, came to my house three times before he finally found me at home. When he did so he said he wanted to have a little talk with me. He said I was to come in out there at 3 o'clock in the afternoon next day instead of 7 in the morning as I had been told at the employment office. He said, "I want you to come back there to work and be your old self and not have anything more to do with this union or anything else like that," and I said—

MR. DAY: I object to that conversation on the grounds already stated in previous objections to similar questions.

TRIAL EXAMINER LINDSAY: The objection is overruled, the record may show an exception.

A. He said, "If you had taken my warning in the first place you would have never gotten into this trouble."

I said, "Well, Red, I figured my goose was cooked the minute you knew I belonged to the C. I. O." He says, "No, if you had taken my warning, you would have been all o. k."

Q. This warning he referred to, was that the one he had given you March 6th?

A. That was the first time, the one on March 6th.

Q. And did you go back to work after that, Mr. Green?

A. Yes, I went back to work next day.

Q. And did you continue at work then?

A. Yes, I continued at work until May 26th. I was on the 3 to 11 turn that day, and I had heard that there was going to be a strike called that day and at 11 o'clock I went home and they never asked me to stay or anything, never said anything to me, never mentioned unions or anything like that from the time I went back in the mill.

I started out of the department, Mr. Paige followed me about ten feet behind me, never said anything to me, just followed me clear over into the sheet and tin department, I don't know what his idea was.

Q. You were on your way home then?

A. I was on my way home. I joined the hot mill men over there, and they were coming down through the mill, going to come over to the strip mill, going to try to get the other men in there to come out on the strike with them, and the track between the strip mill and the sheet and tin department, there was a couple hundred loyal workers and bosses drawn up there on one side of the track with sledge hammers and spikes, any weapon they could get their hands on, and the hot mill men came down through the sheet and tin department, come out there on one side of the tracks and they were stopped there, they seen that the gang was waiting on the other side for them.

And Mr. Ginert, superintendent of the hot strip department, yelled over at us and says, "Come on, you sons-of-bitches, we are waiting on you."

The hot mill men didn't want to have any trouble, so we talked it over and decided to get out of the mill, not to have any trouble in there, and I went out with them.

Q. Did you ever try to get your job back after that, Mr. Green?

A. Yes, on June 25th or 26th, I don't recall just

which day it was, I went up to the Warner Hotel.

Q. Where is the Warner Hotel?

A. It is uptown in Warren, I heard if you went up there you could get a pass back into the miil, to get your job back.

Q. You say the Hotel Warner is in Warren?

A. Yes.

Q. It was—Was it possible to get into the mill without passes?

A. You had to have passes to get through the National Guard.

Q. The National Guard was stationed there?

A. Just come shortly before.

Q. You went into the hotel?

A. I went into the hotel, Mr. McClain was in the lobby there, he laughed at me, motioned to me like that (indicating), to get out. I didn't pay any attention to him, I went up—I asked another gentleman there where you find out about going back to work. He directed me up to the mezzanine floor. I went up there and Mr. Mulligan was there.

Q. Who is Mr. Mulligan?

A. He was chairman of the company employee representatives, I believe. He asked me my name and what department. I told him. He says, "You are on the ineligible list."

MR. DAY: I object to this conversation for the reasons already stated in objections to similar questions.

TRIAL EXAMINER LINDSAY: Objection overruled, let the record show an exception.

A. He says, "You are not on the eligible list, you will have to see your foreman."

Q. Where was Mr. Mulligan on the mezzanine floor, when you went up there?

A. He was sitting at a little table there with several

lists in front of him of the men that were to go back to work, I believe that is what it was.

Q. Did you see any men come upstairs?

A. There were two other men with me, Mr. St. Clair and Mr. Blanchard Bolton. When they would not give me a pass, Mr. Blanchard stepped up and told him, and says he had been on vacation at the time the strike was called and that therefore he hadn't been able to get back into the mill on account of the picket line.

Mr. Mulligan says, "Well, I will give you a pass down to see your boss then."

Mr. St. Clair, they refused to give him a pass. We left the hotel and that is all I done about it because I had heard that several men had gotten in touch with our superintendent, my superintendent down there, and he told them to go home, he would call them when he needed them, and he has not called them to this day.

Q. Have you done any work since the time you left the mill, Mr. Green?

A. Yes, I had one day as deputy sheriff.

Q. What other work have you done?

A. I have had two weeks with the American Welding Company as electric welder.

Q. How much do you earn there?

A. 57½ cents an hour right now.

Q. How many hours a week do you work?

A. 44½.

Q. 44½ hours a week?

A. Yes.

Q. What is your weekly pay check?

A. The one check I have gotten so far, one week, $26.41.

Q. Have you drawn a second one yet?

A. No, it is due me now.

Q. What were you earning at Republic Steel before, when you went back after your first discharge?

A. The one pay I worked ten days after I started the fifth of May, I averaged $9.50 a day.

Q. How many hours a week did you work?

A. 48 hours a week.

Q. Did you get time and a half for the excess?

A. Time and a half for the extra days.

MR. GROSSMAN: That is all.

Cross Examination

BY MR. DAY:

Q. Do you still belong to the CIO?

A. I do.

Q. You started to work for Republic in 1929?

A. I worked about six months prior to that, in 1928. Then I quit the job and come back to work January 2nd, 1929.

Q. You started out as buggyman on No. 2 hot strip mill?

A. Well, that was the job after I had been in there a couple of months. I was a hooker, to start with.

Q. Then were you later transferred to the hot strip finishing department as a breaker operator's helper?

A. Yes, I was.

Q. Then you became an operator?

A. I became an operator.

Q. You were laid off on March 19th? And 20th, 1936, for scratching some steel, weren't you?

A. It was—I was laid off, made to take the blame along with the operator.

Q. Regardless of the blame and where the blame belonged, the reason assigned for laying you off was scratching?

A. Yes.

Q. Now, then, on October 3rd, 1936, or about that time, that was when the orders were given to shovel coke, is that right?

A. Yes, sir.

Q. And you refused to shovel the coke?

A. We refused because the other man had refused before us and he had told them first and let them go home and asked us.

Q. Regardless of the other men, you refused to shovel coke, didn't you?

A. Yes.

Q. You were laid off at that time, weren't you?

A. Yes. sir.

Q. Now, on March 20th, of this year, you were laid off again because it was said that you spoiled an order, is that right?

A. I was discharged on March 20th.

Q. And was that an order for Timken?

A. Order for Timken.

Q. Order of what?

A. There was two orders for Timken.

Q. Of what? What did the orders consist of?

A. Oh, some coils of steel.

Q. Coils of steel? That is March 20th of this year?

A. Yes, sir.

Q. After that you took the matter up with Mr. Mayo of the CIO?

A. I called up and Mr. Mayo was there and I asked him what I could do about it.

Q. Who is Mr. Mayo? What is his position with the CIO?

A. Regional director of the CIO.

Q. And this other man now, is what, Gracjier?

A. Gracjier.

Q. What is his position with the CIO?

A. He is business agent for the Trumbull Lodge No. 53.

Q. Then as I understand it, those two men, Mayo and Gracjier, had a meeting with some of the officials of Republic at the Warren plant?

A. Mr. Mayo wasn't in there, just Mr. Gracjier and the other officers of the Trumbull Lodge.

Q. And discussed your coming back?

A. Yes.

Q. You became a member of the CIO way back in March 2nd, 1937?

A. March 2nd, 1937.

Q. March 2nd, 1937?

A. March 2nd, yes.

Q. And it was generally known around the mill that you belonged to the CIO, was it?

A. Yes, I didn't hide it, not any after I told my foreman about it.

Q. And when the matter of your going back to work and being reinstated was discussed, you wanted your back pay, didn't you?

A. Yes, sir.

Q. You talked to Mr. McClain?

A. Mr. McClain.

Q. Mr. McClain told you, did he not, at that time, or some other time, that you didn't have to join any union?

A. Yes, sir, he did.

Q. He told you that in order to hold your job you didn't have to join any union?

A. Yes.

Q. When did Mr. McClain tell you that?

A. Along about the meeting when I wanted my back pay.

Q. Did he tell you that more than once?

A. No, I don't believe he did.

Q. Did he tell you that in the presence of Mr. Gracjier?

A. No, he didn't.

Q. Just you and McClain were there?

A. Just Mr. McClain and I.

Q. You recognize Mr. McClain sitting here?

A. I do, yes.

Q. With his shirt sleeves? And you wanted your back pay?

A. Yes, sir.

Q. And you didn't want to go back to work unless you got your back pay?

A. I wanted to go back to work, but I wanted my back pay too.

Q. That is right, and that is the remark you say that Mr. McClain said about going to the Labor Board and back, you could go to the Labor Board and back four times?

A. He says, "I will take you to the Labor Board and back four times."

Q. That had to do with you getting your back pay?

A. I don't know what it had to do with it, but I didn't mention Labor Board, I remember that much.

Q. But that was at the time you mentioned about getting your back pay?

A. Yes.

Q. So the difference between you was whether or not you should get your back pay for the time you were laid off, or whether or not you should not get it, wasn't it?

A. Yes.

Q. Then you went home and you thought about it a little bit and then you came back to work, is that right?

A. I came back and got in touch with Mr. McClain and he put me back to work.

Q. And that was about when?

A. That was—I started to work May 5th, I believe that was May 4th when he reinstated me.

Q. Then you worked right up until the strike?

A. Until the strike.

Q. You belonged to CIO all that time?

A. I belonged to CIO all that time.

Q. Well, when the strike came, did you go out on the strike?

A. I did.

Q. Have you been on the picket line?

A. Yes, several times.

Q. Have you used a car in connection with the strike?

A. I have. I hauled pickets and so forth.

Q. You have hauled pickets around?

A. Yes, sir.

Q. And haven't you hauled pickets that have been armed with ball bats and clubs and other weapons?

A. I couldn't say that I have.

Q. You couldn't say that you have?

A. No, because I didn't pay any attention to what they had. I just put them in the car and took them to where they were going.

Q. Do you mean when these men got into the car that you couldn't tell whether they had clubs or not?

A. They didn't, as a matter of fact, they didn't take their clubs home with them, if they had any.

Q. Where did they leave the clubs?

A. Just left them out in the fields, or wherever they were when they were on the picket line.

Q. Did you ever see them do that?

A. There was sticks and clubs around there.

Q. Where were the sticks and clubs that you saw out around the picket line?

A. Oh, I couldn't tell you, I was all over the picket line, any more than any other.

Q. Where were the sticks and clubs left, when they went home?

A. They just threw them down in the ditch or some place like that.

Q. And how many clubs and sticks have you seen thrown around in the ditch by the pickets before they went home?

A. Oh, I can't say as I have seen so many.

Q. Quite a number, wasn't there?

A. There was a few.

Q. Some ball bats?

A. I have seen a few ball bats.

Q. Billiard cues?

A. No, never seen billiard cues.

Q. Parts of billiard cues?

A. I have seen handles about that long, you might call them billiard cues, I don't know if they are.

Q. Well, you have played pool and billiards, haven't you?

A. I have never played pool and billiards.

Q. Well, you have seen billiard cues?

A. I have seen them, yes.

Q. These handles look like they might once have been part of a billiard cue or pool cue?

A. Well, something, polished wooden handles, I would have no—I don't know what they were.

Q. Did you see any gas pipe?

A. There was gas pipe around, different times.

Q. Pipe down in the ditch?

A. Yes, there was pipe in the ditch, just several pieces, not very many.

Q. Well, what kind of gas pipe was it?

A. Well, I don't know, steel, I suppose.

Q. How long was it?

A. Oh, anywhere around a foot and a half long, I suppose.

MR. GROSSMAN: Mr. Examiner, I object to this line of inquiry as outside of the scope of the direct examination.

MR. DAY: Oh, no.

TRIAL EXAMINER LINDSAY: I will overrule your objection. Let the record show an exception.

Q. What else have you seen except gas pipe and baseball bats and sticks, pieces of wood that might have been part of billiard cues, down in ditches, that were left there at night by the pickets?

A. I don't know as I have seen anything else of that form.

Q. How often would you drive pickets around in your car?

A. Well, while I was on duty, practically all day, on and off. Whenever pickets were to change turns, I always made a habit to go down there to go home, back up to the headquarters, take new ones out.

Q. How many trips do you suppose you would make, a day?

A. Oh, I would say every day 25 or 30 trips a day, maybe.

Q. And how many pickets would you take in your car at a time?

A. Four or five, as high as six.

Q. Do you mean to say that you don't remember whether at any time those pickets had these gas pipe and ball bats and things you have been telling me about?

A. I don't remember of them having any weapons in the car?

Q. When was it that you talked to somebody about getting your job back?

A. That was, I believe, June 28th.

Q. When did the mill open, up in Warren?

A. Well, the troops came in, well, that was Saturday, I think the troops came in on Tuesday before that.

Q. The troops came in on Tuesday?

A. But you had to have a pass to get through their lines. You couldn't just walk in and out.

Q. Before you could pass a troop line you had to have a pass?

A. You had to have a pass.

Q. When was it, if you can tell me—if you can't tell me accurately, tell me as closely as you can—when was it that the mill that you worked at Warren was opened up?

A. It was opened up when the troops came to town, I guess.

Q. And how long after that was it you went back and talked to someone?

A. Well, the troops stayed up there, about Tuesday, and it was on Saturday I went up to the Hotel Warner to see about it, to talk—

Q. That is, you waited from the Tuesday when the troops came in until Saturday before you went and asked for a job?

A. Well, at the time that—I didn't know until Saturday you could go back to work like that. I found out then.

Q. Did the mills open up on the same Tuesday that the troops came in?

A. Well, they—I don't know whether you would call them open or not. The men that had been shut in there came out, and some of them went back in.

Q. As a matter of fact, there had been a considerable number of men staying there in the mill during the strike before the troops came in, didn't they?

A. Oh, I would say under a thousand.

Q. You would say under a thousand?

A. Yes.

Q. But you were not in there to count them yourself?

A. No, but I knew how many men were out.

Q. Now, you told about seeing these—you coming down there, some men coming down the plant and there was some men who stayed in the plant at work, and they were armed with all kinds of things, you were telling us?

A. That was the night that the strike was called.

Q. Now, then, those were the men that were staying in the mill?

A. Those were the men that intended to stay in the mill and the bosses—half of them were bosses in there.

Q. Where were you then, in the mill or out of the mill?

A. I was in the mill, as I came out of my department, they were lined up outside with sledge hammers and so forth, I had to walk through them to come out.

Q. You walked through them?

A. I did.

Q. And got out?

A. I got out.

Q. There was another group of men that were coming or were doing something? What were they doing, you tell me.

A. They were coming through to try to get the other men to join them and then go alongside.

Q. Were those men armed with anything?

A. Not that I could see. They had their dinner buckets with them. They were all dirty, just finished up work.

Q. Just armed with dinner buckets?

A. That is all I could see. It was dark at that time.

Q. Just a minute, please. Were you ever a picket captain?

A. No, I never was.

Q. Were you a picket officer of any kind?

A. No. I am recording secretary in 1375, there.

Q. In the lodge?

A. Yes.

Q. You testified that Mr. McClain told you, upon one occasion, that it was not necessary for a man to belong to any union in order to hold his job?

A. He tried to make me believe that and I told him I didn't believe it.

Q. Well, he said that to you, didn't he?

A. Yes.

Q. Did he also say that it didn't make any difference to the company what union a man belonged to?

A. Yes, he said that.

MR. DAY: That's all.

MR. GROSSMAN: That is all.

TRIAL EXAMINER LINDSAY: We will take a short recess.

(Witness excused.)

(Thereupon a short recess was had.)

TRIAL EXAMINER LINDSAY: The hearing is called to order.

MR. GROSSMAN: Mr. Hite.

HALLIE PHILLIP HITE

was thereupon called as a witness for and on behalf of the National Labor Relations Board, and, having been duly sworn, testified as follows:

Direct Examination

BY MR. GROSSMAN:

Q. Will you state your full name, Mr. Hite?

A. Hallie Phillip Hite.

MR. DAY: What?

THE WITNESS: Hallie H-a-l-l-i-e Phillip P-h-i-l-l-i-p Hite H-i-t-e.

MR. DAY: Hallie, is that the first name?

THE WITNESS: Yes, sir.

MR. DAY: H-a-l-l-i-e, is that it?

THE WITNESS: Yes, sir.

BY MR. GROSSMAN:

Q. What is your address, Mr. Hite?

A. R. F. D. 5, Warren.

Q. Are you an employee of the Republic Steel Corporation?

A. Yes, sir.

Q. When did you start to work for the Corporation?

A. September, 1923.

Q. Which plant did you start to work for?

A. Trumbull Cliff Furnace.

Q. Is that in Warren?

A. Yes, sir.

Q. Have you been employed there until recently?

A. Yes, sir.

Q. Are you a member of the C. I. O.?

A. Yes, sir.

Q. When did you join?

A. May 27th, the day after the strike.

Q. May 27th, 1937?

A. Yes, sir.

Q. On the day of the strike, which was May 26th, I believe—

A. Yes, sir.

Q. —were you working in the mill that day?

A. Yes, sir.

Q. What turn were you on?

A. I went to work at eight o'clock that morning and worked until six o'clock that night. They worked us two hours overtime, dumping ore.

Q. And then did you leave the mill that night?

A. Yes, sir.

Q. Did you ever try to get your job back, Mr. Hite?

A. Yes, sir.

Q. When?

A. July 27th—or was it June 27th or 26th or 27th—it was either June 26th or 27th.

Q. What did you do by way of getting your job back?

A. I went to—well, Lavelle, he is an engineer at the Republic. He came out to my house and told me that the men was going back to work, and he said if we wanted our jobs we better go back. And I told him—

MR. DAY: Who said that?

THE WITNESS: I told him: "If the men are going back"—

MR. DAY: Who is the man that said that?

THE WITNESS: Johnny Lavelle, he is a locomotive engineer.

MR. DAY: I move that be stricken out on the ground it is incompetent, irrelevant and immaterial. He had no authority to represent the Respondent,—no knowledge upon the part of the Respondent.

TRIAL EXAMINER LINDSAY: That objection is overruled. Let the record show an exception.

(Exception by Respondent.)

BY MR. GROSSMAN:

Q. What did Mr. Lavelle say to you?

A. He told me that the rest of the men were going back in the mill. He said if we wanted our jobs, he said, we better go back.

I told him if the rest of the men were going back, I would go back too. So I thought—I went down to see my boss. I found he was at home that night, so I went down to see him, and I asked him—and I asked Mr. Kilcanney, and I told him what the fellows was going to do, they were figuring on coming back to work. And he said: "Well, if you go back to work," he said, "you have got to go back as a new man, rehire, that is, if they want to take you."

Q. Let me see if I get you right.

He said that if you went back to work you would be rehired, if they wanted to hire you?

A. Rehire, yes, go back as a new man.

Q. Did you go back?

A. No, sir.

Q. Have they hired any other men to your knowledge, Mr. Hite?

A. Yes, sir.

Q. Since then?

A. Two men.

Q. Two men?

A. Yes.

Q. Are these men that had worked for the Republic Steel Corporation before?

A. Well, one fellow had worked there before, Mr. Hughes, Charlie Hughes.

Q. Had he worked there as long as you had?

A. He worked there, and he got fired here, around 1927, I think it was he got fired, maybe it was before that, and he didn't come back. He only worked a while, and then during the rush there in 1934, I think during the coal rush,

he worked a while, and then he was laid off, and then there was another fellow by the name of Don Hartman, he was a B. & O. brakeman, he was hired.

Q. Had he ever worked for the Republic Steel Corporation before?

A. No. He had never worked for the Republic before, that I ever knew, not in my department.

Q. How long had you been working for the Republic Steel Corporation?

A. September, 1923.

Q. Fourteen years?

A. Fourteen years it will be this—

Q. (Indicating) I hand you Board's Exhibits 79, 80 and 81, and ask you if you ever saw those before?

A. No, sir.

Q. Did you ever see Board's Exhibit No. 79 before?

A. No, sir not that I know of.

Q. Did anybody ever talk to you in the mill about joining with the Employees Independent Association?

A. Yes, M. R. Martin, he asked me.

Q. When was this, do you remember?

A. Just before the strike. I don't remember the date, just a while before the strike, he asked me.

MR. DAY: I object.

Who is M. R. Martin?

THE WITNESS: He is a Traffic Manager.

MR. DAY: What?

THE WITNESS: He is a Traffic Manager for the blast furnace department.

And I got off at the scale office one day, and he was walking along—I have knowed Martin ever since I have been there—and I said: "Martin, how about a pencil?" And he said: "I will give you a pencil if you sign one of these cards." I said: "What card is it?" He said: "The white card." I said: "To hell with you and your white card." He said: "Well, I couldn't expect anything more from you." So he went on. And that's all I said to him.

Q. Do you know what that white card was?

A. That's the Company Union,—that's what they call it in the plant, they call it the white card in the plant.

Q. Had you ever seen one?

A. No, they never showed—he had it in his hand, but he never showed it to me.

Then Mr. Kilcanney,—that's my boss—he asked me, too.

Q. He is your foreman?

A. He is my foreman, and he asked me to sign it, and I told him, no, I wouldn't join it, unless they gave me what was coming to me, that was another brakeman on the ground. I said: "If they gave me another brakeman on the ground, then I will talk business with you, on the Company Union." But I wouldn't talk Company Union with him until he give me what was coming to me.

JUDGE SMITH: When was this conversation, this last one?

MR. GROSSMAN: With Mr. Kilcanney?

JUDGE SMITH: Yes.

BY MR. GROSSMAN:

Q. When was this that you talked to Mr. Kilcanney?

A. About the Union, you mean?

Q. Yes.

A. The same day as with Martin?

Q. The very same date?

A. Yes, I don't recollect the date now.

Q. Did you sign with the Employees Independent Association?

A. No, sir.

Q. You did not?

A. No, sir.

Q. Have you done any work at all since you left the mi" on May 26th?

A. Not only to help the farmers to thresh, that's all; I never got no money for that.

Q. You have not earned any money at all?

A. No, sir.

Q. What were you earning at the Republic Steel Corporation? Were you working on an hourly rate?

A. I worked on an hourly rate, $1.04 cents an hour.

Q. Did you get a tonnage rate?

A. No, sir.

Q. What was your job?

A. Dumping ore. Well, we switched to the yard. Our regular job was to dump ore, and whatever we was supposed to dump. It was what you call a dumper job, that is, dump ore, and limestone, and dust, and such stuff as that, such miscellaneous, open hearth slag.

Q. What was your particular job?

A. I was spotting cars on the dumper.

Q. You were spotting cars, you say?

A. Yes, spotting cars on the dumper.

Q. You were yard conductor?

A. Yes, but I had to do the spotting, and do the cutting, and give my own signals and all. That's the reason why I wanted another brakeman.

Q. How many hours a week would you work?

A. We would work 40 hours, and then we would work —for one week—and then we would get two weeks at 48 hours.

Q. Would you get extra money for your extra time?

A. After 40 hours we would get time and a half.

Q. For all the time you worked after 40 hours you got time and a half?

A. Yes, we got time and a half.

Q. Do you want your job back, Mr. Hite?

A. Yes, sir.

Q. You do.

MR. GROSSMAN: That is all.

Cross Examination

BY JUDGE SMITH:

Q. When was it you started working for the Republic

Steel Corporation?

A. September, 1923.

Q. That was at the Warren plant?

A. That was at Trumbull Cliff Furnace.

Q. How was that?

A. That was at Trumbull Cliff Furnace.

Q. Oh, yes, and that is right near to the steel plant, is it not?

A. Yes, we deliver metal, hot metal to the steel plant.

Q. I see. What was your position there?

A. A yard conductor.

Q. Yard conductor?

A. Yes, sir.

Q. How many men did you have working for you?

A. Well, there was myself, and three others, the engineer, and fireman, and my brakeman.

Q. I see. Had you worked right up to the time—

A. Yes.

Q. —of this strike?

A. Yes, sir.

Q. You were working on that turn,—what turn were you working on the day of the strike?

A. I was supposed to—eight to four, eight in the morning until four o'clock in the afternoon.

Q. I see.

A. I worked two hours overtime the day of the strike.

Q. Then you were not working at the time the men actually walked out on the strike?

A. No, sir, I was there, I left at six o'clock that evening.

Q. And the strike, they were supposed to go out at eleven, is that correct?

A. I don't know what time it was supposed to be.

Q. I see. At the time you went home, you did not know there was going to be a strike?

A. Yes, they were preparing for it in the mill.

Q. I see. You understood that, did you, at the time you went home?

A. Yes.

Q. That is about 14 years you had been working there?

A. It will be 14 years this next month, September. I don't recollect the day now, what day it was in September when I went there, but—

Q. Well now, you did not join the C. I. O. until after the strike?

A. No, sir.

Q. Where did you join it? Did you go down to headquarters to join it?

A. I went down to headquarters, yes.

Q. Did you take an active part in the strike from that time on?

A. I didn't—I wouldn't say an active part. Of course, I was on the picket line sometimes. I was more at home than I was on the picket line, for I lived a right smart ways from the mill.

Q. You kept that up during the entire period there, did you not?

A. Yes, sir.

Q. Were you on the picket line every day?

A. No, sir.

Q. Were you on at night?

A. Well, some nights, and maybe I wouldn't go back no more for a week.

Q. Were you on the picket line on the night of June 20th, 1937?

A. I don't recollect now whether I was or not.

Q. Do you know where the hole in the fence was down by the blast furnace on Dover Street?

A. Yes, sir.

Q. What kind of a fence was that?

A. That's a wooden fence, a paling fence.

Q. About how high was it?

A. Oh, to my idea, it was about eight or nine feet high .

Q. And there was a hole in that fence there, was there not?

A. There was several holes all along.

Q. Yes.

A. I seen the fellows on the inside when during the strike where they kick over one whole bunch of palings back there one evening.

Q. Do you remember of you and some other parties, of which probably your brother was one, being down there one night at that hole, armed with clubs, waiting for somebody to try to come into the plant?

A. No.

Q. Do you remember that?

A. Not me.

MR. GROSSMAN: Mr. Examiner, I object to the form of the question.

MR. DAY: This is cross-examination.

JUDGE SMITH: This is cross-examination, I surely have the right to call his attention to these specific instances.

TRIAL EXAMINER LINDSAY: The objection is overruled. Go on.

BY JUDGE SMITH:

Q. Do you remember that?

A. I remember being there, yes, at the picket.

Q. Do you remember there was some trouble on probably the night of the 20th, it was around there, and you people were down at this hole in the fence there?

A. That night when there was a whole crowd on the inside of the fence there, was over there, they was expecting trouble that night from the inside, for them to come out onto us, that's the only time I remember of.

Q. Do you remember another instance—did you ever, at any time, in connection with this strike, impersonate an

officer and stop cars and tell them that you were a deputy sheriff?

A. No, sir.

Q. Were you around stopping cars at different times—

A. I stopped—

Q. —there?

A. I stopped cars one night, yes.

Q. Did you have a flashlight?

A. No, sir; no, sir, I didn't have no flashlight.

Q. Do you remember being accompanied by 15 or 20 other people who had clubs and bricks and were stopping cars there?

A. No, I didn't have any clubs—

TRIAL EXAMINER LINDSAY: Just a moment. Mr. Smith. I do not object to you going into this case and getting facts, but I do object to you using those terms in your questions, indicating that what you are saying is the fact.

You may ask him if he did those things.

JUDGE SMITH: Well, I—

THE WITNESS: I can answer his question.

There was no clubs used. The injunction made everybody put away their clubs, the night I was there.

I can answer the question, as far as I am concerned.

BY JUDGE SMITH:

Q. Do you mean—

A. And I stopped the cars so there wouldn't be women or children get hurt, that's the reason. I can tell you the reason I stopped the cars, to keep the women and children from getting hurt, from going down through that line.

Q. I see. Then your activities around there in stopping the cars were to protect women and children?

A. Women and children, yes, sir.

Q. You may state whether or not it is a fact that when you were looking after the protection of the women

and children that you had 15 or 20 people with you with clubs and bricks—

A. No, sir.

Q. —and other missiles in their hands?

A. No, sir.

Q. I want to refer you especially to the night of July 7th, 1937, about between 9:30 and 10 o'clock, and call your attention to a point about a hundred feet outside of the city limits on Main Street, and ask you whether or not it is a fact that you were there impersonating an officer, and stopping cars, and representing yourself to be a deputy sheriff?

MR. GROSSMAN: I object, Mr. Examiner, the question has already been answered.

TRIAL EXAMINER LINDSAY: I will let him answer.

The objection is overruled; let the record show an exception.

(Exception by the Board.)

A. That was the night—

TRIAL EXAMINER LINDSAY: Read the question, please.

(Last question read by the Reporter.)

BY MR. SMITH:

Q. Were you?

A. I was there, that was the night I told you I was there.

Q. Yes.

A. That is the night I told you.

Q. How were you dressed that night?

A. I had my pants and shirt on.

MR. GROSSMAN: If your Honor please, that calls for two answers.

TRIAL EXAMINER LINDSAY: Well, correct that question.

MR. GROSSMAN: You were there July 7th?

THE WITNESS: The night, I don't know what

night it was, I wouldn't say what night it was, but I refer to the night he is talking about.

MR. GROSSMAN: The other part of the question was, were you impersonating an officer, a sheriff? What was the rest of that?

(Question read by the Reporter as follows: "I want to refer you especially to the night of July 7th, 1937, and between 9:30 and 10:00 o'clock, call your attention to a point about 100 feet outside the city limits on the main street and ask you whether or not it is a fact that you were there impersonating an officer and stopping cars and representing yourself to be a deputy sheriff?")

A. That was the night that I stopped the cars for the women and the children.

Q. I see. Now—

MR. GROSSMAN: Mr. Examiner, may I ask that question be reframed so that there will be no doubt about the witness understanding that question.

MR. SMITH: He can do that on redirect examination, if there is anything he wants to ask him, he could do it then.

TRIAL EXAMINER LINDSAY: Don't ask double-barrelled questions.

MR. SMITH: Your Honor, I did not try to, and I did not think it was.

TRIAL EXAMINER LINDSAY: Well, it is a double question.

MR. SMITH: Well, I will try to reframe it.

Q. Did you have any official position in connection with these pickets, with this picketing?

A. No, sir.

Q. Were you, in your picketing, on foot, or did you go around in a machine, any?

A. I went on foot. I had my car. I drove it to the pick line.

Q. Did you use your car in connection with any of those?

A. No, sir.

Q. Were you making examinations of cars the night over there that there was an explosion of some kind in connection with the deputy sheriffs that were there? That were going along in the machine?

A. What explosion are you talking about?

Q. The dynamite bomb or something of that kind that was thrown, there?

MR. GROSSMAN: I object to that.

A. No, I didn't know anything about it until the next morning when I went down.

TRIAL EXAMINER LINDSAY: He may answer.

Q. You remember that, but you say that you were not there at the time?

A. I saw it next morning, when I went to town, yes.

Q. Now, do you remember you spoke about going over to the house of your foreman, George Kilcanney?

A. Yes, sir.

Q. Do you remember when that was?

A. That was June 27th, I think. I am most sure it was June 27th.

Q. What was the conversation you had with Mr. Kilcanney at that time? I would like to have you repeat it.

A. Well, I told him just what this fellow had told me, that the men was going back in the mill, and I thought I would stop down and report to him that I was coming back to work, and he told me that if I come back I would have to come back as a new man, rehire as a new man. That is, if the company wanted to hire me.

Q. Now, I will ask you whether or not this, or substantially this, is not what was said that night: That you inquired as to what was doing at the plant?

A. Yes, I asked what was doing there.

Q. Yes.

A. I asked him what was doing at the plant.

Q. And that Mr. Kilcanney said to you that he had not been informed as to the company's policy yet, in connection with it, and that you would have to see him later?

A. That is not what he told me, he told me the way they were going to do it, you would have to come back and be rehired, there. You would have to see Crampton across the river and be rehired there, and knowing that they had done that and had taken fellows younger than me that went back, and went back as new men, fellows that didn't even serve on the picket line.

Q. Are you sure that the conversation you now detail took place that night, or did you hear that some place else, as to the rehiring?

A. No, sir, that is what Mr. Kilcanney told me.

Q. I see.

A. That I would have to rehire as a new man.

Q. Well, isn't it a fact, so far as your job was concerned, that you never at that time or at any other time later ever indicated to Mr. Kilcanney what you wanted to do about coming back?

A. No, sir, I have never seen him until that night.

Q. Yes.

A. And I haven't seen him since that night.

Q. And that on that night you didn't tell him what you wanted to do, did you?

A. I told him exactly what engineer Lavelle told me he was figuring coming back, I thought I would get down and ask about my job, about going back to work.

Q. Yes.

A. He told me the way they are going to work that thing, if you got back, you are going to have to hire now as a new man, and I told him, "George,"—

Q. But you never—

A. I told him, I says, "George, I will never come back as a new man, after fourteen years in there," I says, "if that is the way they are going to do me, I will sell every-

thing I have got and leave this state," that is the very words I told him.

Q. Well, did you at any time later go to see Mr. Kilcanney about your job?

A. No, sir.

Q. That is the only conversation you had with him?

A. That is the only conversation, that was enough for me, when he told me that.

Q. You never went down to the mill to try to get your job back?

A. No, sir, I knew that would not be no use, after he told me he had the inside dope.

Q. Now, you spoke about a Mr. Martin talking to you before the strike in regard to joining some union there?

MR. GROSSMAN: Well, he said about the card.

Q. I just wanted to clear this up, now.

A. Yes.

Q. Now, who is Mr. Martin?

A. He is traffic manager, or at least, that is what he is active in—I guess that is what he is supposed to be—yard master, traffic manager and everything during the depression. I worked under him during the depression as yard man, yard clerk.

Q. Well, was he your foreman, your superior officer?

A. Not now he is not, no, sir.

Q. Well, was he at that time?

A. He was during the depression, yes.

Q. Well, I am talking about the time in May that you speak of?

A. No, sir, he was just the traffic manager.

Q. Yes, and you spoke to Mr. Kilcanney, then, I believe, in regard to this, also, you asked him in regard to a pencil, that you wanted a pencil. What did you want the pencil for?

A. Pencil?

Q. Yes.

A. No, I talked with Mr. Martin about the pencil.

Q. Oh, you asked Mr. Martin?

A. Yes, I asked him at the time.

Q. What did you want a pencil for?

A. I says, "How about a pencil, Mr. Martin?" Well, I use a pencil to take down the number of the car I handle.

Q. You didn't have one?

A. Well, I had one, but I thought I would get another one while I had a chance. I always do. When I see somebody with a pencil I always try to bum another one, to keep an extra one.

Q. Keep a spare, is that the idea?

A. Yes, keep a spare, if one is lost, fall off, sometimes catching a car it will fall off and break, so I asked him for a pencil.

Q. Were you in the habit of asking people for pencils?

A. Sure.

Q. Whenever you meet them?

A. Sure, I ask Martin for a pencil, every time I would see him.

Q. Well, did he give you one?

A. No, he didn't give me one, the night that we signed the card for him.

Q. And you say that you talked with Mr. Kilcanney?

A. Yes, sir.

Q. Something in regard to—What was that conversation?

A. He asked me what I thought about the company union, about the card.

Q. What is that?

A. He asked me what I thought about it, I told him I didn't think anything about it, I told him, "George," I said, "if you people would treat us right, give us the other brakeman, what we are entitled to," I says, "they have it in other plants, if you give us this other brakeman, I would talk business with you about your company union or your white collar, whatever you call it."

Q. That was the only conversation that you had with him?

A. Yes, yes.

Q. About this?

A. Yes.

Q. And you didn't ask him for a pencil?

A. No, I didn't ask him for a pencil. I knew where I could get one.

Q. The conversation that you had with Mr. Martin when you wanted the pencil is the only one you ever had with him?

A. Yes, that is the only one I ever had.

Q. On the night that you spoke of a little while ago when you were down along the fence, there, by that hole, how many people were with you? I am not asking you the names, but how many were with you in your group that night down there at the hole?

A. Well, I wasn't stationed nowhere at that hole, I walked up and down the road, there.

Q. I see.

A. I couldn't say that I was stationed at that hole in the fence, but I never was stationed at no place, because I just come up, would go out for a couple of hours, walk up and down the road or something, back and forth, and go back home.

Q. You remember watching this hole where some men had been getting into the plant?

A. I didn't make a practice of watching that hole any more than I did—

Q. The other holes?

A. Going around any other hole.

Q. Yes.

A. Or main street, down here.

Q. Yes, but were you carrying a stick or club of some kind?

A. Sometimes I carried a stick.

Q. What kind of a stick was it? Just tell us how big it was.

A. Oh, short stick about that long (indicating).

Q. A couple feet long, do you mean?

A. About two feet long.

Q. Yes, how big around?

A. Oh, wasn't as big around as my arm.

Q. As big around as your arm?

A. Around as big around as my arm.

Q. Did you ever carry any ball bats?

A. No, sir, no.

Q. Or billiard cues?

A. I never did that, got too many kids, to get a ball bat away from them, they always use them at home.

Q. You didn't take one of theirs and use it?

A. No, sir.

Q. Did you ever see any ball bats and clubs around in the hands of the pickets?

A. I never paid no attention to whether they had ball bats or not.

Q. Well, you were around at different places on the picket line, were you?

A. I just stayed at the blast furnace.

Q. What is that?

A. At the blast furnace.

Q. Yes?

A. That was my main purpose, to see if there were any men on my job.

Q. How many other pickets were there along there that kept the—did the same kind of a job you did?

A. Oh, sometimes maybe there would be five or six walking along the road.

Q. Yes? Were they carrying sticks?

A. Some of them.

Q. About the same size as yours?

A. Some of them would be carrying sticks. Some would not have anything in their hands.

Q. Did you ever see any of them with a piece of pipe?

A. No, sir.

Q. Or a baseball bat?

A. Never seen a piece of pipe while I was on the picket line.

Q. Or billiard cue?

A. I don't remember seeing any of those.

Q. Don't remember seeing any of those?

A. No, sir.

Q. The only ones that you saw were sticks?

A. Just little sticks, that is all.

Q. Yes; say, do you know Mr. Lavelle, over there?

A. Yes.

Q. Did he ever come over to see you about going back to work?

A. Yes, sir.

Q. When was that?

A. That was when I was just telling you, he was the one that came and told me that the men were going back in the mill.

Q. Oh, I see, and he is the man that spoke to you about it? Now, what position did he have down there?

A. Oh, he is an engineer, locomotive engineer.

Q. I see. But then after he told you, at the time you went over to Kilcanney's house and talked with him—

A. Yes.

Q. Now, the conversation that you have just related—

A. Yes, sir.

Q. You think that was around the 25th of June?

A. Around the 27th.

Q. The 27th of June?

A. Yes, sir.

MR. SMITH: That's all.

MR. GROSSMAN: That is all.

MR. DAY: I want to move to strike out the conversation between this witness and the other persons whose names are in the record, for the reasons already

stated in similar objections in the testimony of other witnesses.

TRIAL EXAMINER LINDSAY: The motion to strike is overruled. It is denied. Let the record show an exception.

Redirect Examination

BY MR. GROSSMAN:

Q. Well, Hite, coming back, now, to the night referred to a few moments ago when you were trying to protect the women and children, you said?

A. Yes, sir.

Q. Did you, out there that night, impersonate a police officer or deputy sheriff?

A. No, sir.

Q. You didn't?

A. No, sir, I didn't.

Q. You stated Mr. Martin was the traffic manager?

A. Yes, sir.

Q. Just what does a traffic manager do, if you know?

A. I have an idea that he has the sales or ordering of stuff in, you know, such as coal and ore and limestone, stuff like that, I think that is his—and keeping records of the demurrage and the cars that is in the yard, things like that. I think that is his title.

Q. Did he have a number of men under him?

A. I don't know how many men he works under him.

Q. Is he a sort of a foreman?

A. Yes, sir, he is a sort of a foreman.

MR. GROSSMAN: That is all.

MR. SMITH: That is all.

(Witness excused.)

TRIAL EXAMINER LINDSAY: We will adjourn until tomorrow morning at 9:30.

(Whereupon, at 5:05 o'clock p. m., August 23,

1937, the hearing was adjourned until August 24, 1937, at 9:30 o'clock a. m.)

Courtroom No. 6,
Mahoning County Courthouse,
Youngstown, Ohio
Monday, August 23, 1937

The above-entitled matter came on for hearing, pursuant to adjournment, at 10 o'clock a. m.

Before:

John T. Lindsay, Trial Examiner.

Appearances:

Mark Lauter, Esq., Oscar Grossman, Esq., and Joseph A. Hoskins, Esq., appearing for the National Labor Relations Board.

Luther Day, Esq., and Thomas F. Veach, Esq., of the firm of Messrs. Day, Young & Veach (1420 Union Trust Building, Cleveland, Ohio), and T. F. Patton, Esq., Republic Building, Cleveland, Ohio, David E. Jones, Esq., and Charles F. Smith, Esq., of the firm of Messrs. Harrington, Huxley & Smith, (1200 Mahoning Bank Building, Youngstown, Ohio), appearing for the Respondent, the Republic Steel Corporation.

PROCEEDINGS

TRIAL EXAMINER LINDSAY: The hearing is called to order.

MR. GROSSMAN: Mr. Garnett.

ERNEST GARNETT

was thereupon called as a witness for and on behalf of the National Labor Relations Board, and, having been duly sworn, testified as follows:

Direct Examination

BY MR. GROSSMAN:

Q. What is your full name, Mr. Garnett?

A. Ernest Garnett.

Q. Ernest Garnett?

A. Yes.

Q. And your address?

A. 752 Highland Avenue, Warren, Ohio.

Q. 752 Highland Avenue?

A. Warren, Ohio.

Q. Are you an employee of the Republic Steel Corporation?

A. Yes, sir.

Q. When did you start to work for the Corporation?

A. In 1923 in September some time.

Q. In September, 1923?

A. Yes.

Q. Have you worked continuously then? Have you worked there continuously?

A. Well, except for 10 months—12 years—I mean 10 months, 12 years ago, I had 10 months vacation. I went to Europe.

Q. You went abroad?

A. Yes.

Q. But other than that you have worked there continuously?

A. Worked there steady.

Q. Up until when?

A. Up to the strike.

Q. Which was May 26th?

A. Yes.

Q. What sort of work do you do up there, Mr. Garnett?

A. And operate a larry car in the stock house.

Q. Will you explain what the operator of a larry car does, Mr. Garnett?

A. Well, they operate a larry car, is to go and get the material, limestone, ore, and all different stuff, and dump it in the buggies there, so as to fill the furnace up, weighing the material.

Q. Are you a member of the C. I. O.?

A. Yes, sir.

Q. When did you join the C. I. O.?

A. Last September, last year yet.

Q. September?

A. September, last year.

Q. 1936?

A. Yes, and I took application this year in May.

Q. (Indicating) I show you Board's Exhibits Nos. 79, 80 and 81, and ask you if you have ever seen those before?

A. Yes, sir, I got one through the mail.

Q. You got one through the mail?

A. Yes, sir.

Q. Do you remember when you got that through the mail?

A. Well, I can't exactly say.

MR. DAY: I would like to have the same objections to the questions relating to these exhibits that have been interposed and passed upon in the evidence of other witnesses upon the same subject.

TRIAL EXAMINER LINDSAY: The objection is overruled.

Let the record show an exception.

(Exception on behalf of Respondent.)

Q. (By Mr. Grossman) Was that before the strike or after?

A. Before the strike.

Q. Before the strike?

A. Yes.

Q. After you received those through the mail, Mr. Garnett, do you remember a talk with a Mr. Taylor?

A. Yes, sir, after about two or three weeks after that, I went to work one day, and my boss stop in the yard, and he said: "Come here, I want to tell you something."

MR. DAY: Who is Mr. Taylor?

MR. GROSSMAN: I will get to that.

Q. (By Mr. Grossman) Who is Mr. Taylor?

A. A blower, he is our boss.

MR. DAY: We object to any conversation with Mr. Taylor on the ground that he is not an officer or agent with power or authority to bind the Respondent, and no knowledge upon the part of the Respondent.

TRIAL EXAMINER LINDSAY: The objection is overruled.

Let the record show an exception.

(Exception on behalf of Respondent.)

Q. (By Mr. Grossman) You said he was your boss?

A. Yes, sir, he is our boss, one of the biggest up there after Mr. Kerwin.

Q. Who is Mr. Kerwin?

A. He is the superintendent.

Q. He is below your superintendent?

A. Yes.

Q. He is the man directly below your superintendent?

A. Yes, he is the man done everything in his place.

Q. Is he a foreman?

A. Yes, he is a foreman.

Q. Foreman of what department?

A. Well, blast furnace.

Q. Will you state, for the record, the substance of the conversation you had with Mr. Taylor that day?

A. Yes, sir. When I get in there he stop me, and he

said "Come here, Ernest, I have got to tell you something." So when I go there, he said: "Did you remember getting a card sent down to your place?" I said: "I got plenty cards."

He said: "I mean one of this plan," he said, "to organize a new Union?" "Well," I said, "you mean a Company Union?" He said: "Yes, that's what I mean." He said: "What did you do with that? Did you throw it away?" I said: "No," I said, "I kept it home," I said, "for a souvenir."

"Well," he said, "why don't you sign it, and send it in?" I said, "I did sign the C. I. O.," I said, "I can't sign the two." He said: "Many a guy sign two cards." I said: "Well, I am not the face to do that," I said, "when I sign one, that's enough for me."

"Well," he said, "I tell you, if you know what is good for you, you will sign that." I said: "That's just exactly why I didn't sign, because I do know what is good for me." He said: "Well, I will tell you, something like this," he said, "you know, if you sign both cards"—he said: "I know you belong to the C. I. O.," he said, "if you sign the other one, the Company Union, why," he said, "then," he said, "it is like carrying two buckets of water, in case one the bottom fall off," he said, "you still got ahold of the other one."

I said: "That don't go with me." I said: "Because if I slip, I will wet my pants." He said: "Well, I will tell you, you know what is good for you," he said, "you ain't dumb," he said, "I hope you can understand me. Let me know tomorrow what you decide." I said: "I tell you right now what I decide." I said: "I am a C. I. O., and here I am going to stay for good or bad," I told him.

MR. DAY: I move to strike that out on the same ground as stated in the objection made to similar conversations.

TRIAL EXAMINER LINDSAY: The motion is denied.

Let the record show an exception.

(Exception by Respondent.)

Q. (By Mr. Grossman) Did Mr. Taylor tell you who sent you that card? Was there any mention made of that name during the talk?

A. The way I asked him, I said: "You mean the Company Union card?" He said: "Yes."

Well, that's all he told me, so I knew what it was.

Q. Did you have any more talks that day with any officials of the Company?

A. Then at the same night, this is three o'clock, when I went to work at the same night, and Mr. Kerwin, Superintendent, come in the stock house, where I was working, and he had a newspaper under his arm, and he call me off the car. He said: "Come here," he said, "I want to talk to you."

So I went off the car, and he unfold the newspaper there on the cars, you know, and he had a hand bill there, the Union put out, and he said: "Please," he said, "you read this down to the bottom down here, this Union bill."

I did. I seen that once before, and it was same paper. He said: "You know, we try everything in our power to avert the strike, but in case the strike comes on," he said, "it is the Company's fault,"—or something like that.

Q. Who was talking to you now, Mr. Kerwin?

A. Mr. Kerwin.

Q. You said he was the Superintendent?

A. Yes.

Q. Of what department?

A. Of blast furnace.

MR. DAY: When was this talk?

MR. GROSSMAN: That very evening.

MR. DAY: What was the date of the other one?

MR. GROSSMAN: It was testified it was a couple of weeks after he received the letter through the mails, just before the strike.

MR. DAY: What was the date of the letter?

MR. GROSSMAN: Well, it carries no date.

MR. DAY: All right.

Q. (By Mr. Grossman) Will you continue with that talk now with Mr. Kerwin?

A. Then he unfold me the newspaper, and he said—I said: "Why did you ask me such a question?" He said: "Well, I tell you, Ernest," he said, "because," he said, "I don't want to see no lie." He said: "The C. I. O. is lying here." I said: "I don't know nothing about that."

Well, then he tried to tell me about in Detroit somewhere, I don't know where it was, there was 2700 men out on strike because 13 men wouldn't join the Union, or something of that kind. "Well," I said, "Mr. Kerwin, according to my notion," I said, "2700 honest men won't work with 14 stool pigeons down there. I no blame them. They ain't no breaking faith with the Company; the Company breaking faith with the men, according to my idea," I said.

"Well," he said, "no, it ain't that." I said: "No use to argue me here, because I have got to do my job. If the furnace get down, I will never catch up no more tonight, because the furnace go pretty fast." He said: "Never mind that furnace, you stay here, I want to tell you something." I said: "I have to work, go some place else." "You know I am a C. I. O. man, no use to talk to me. You can't break it into my head."

Q. He did not want you to go back to work?

A. He said: "Stay here, I want to tell you something."

He started to read something about Chicago paper, what Company do something that, and the other. I said: "You can do anything you want for my part, but you can't change me." So he made me lose there pretty near quarter of hour. He said: "I will be back here to see you," he said, "I will be back here every night." I said: "I am glad to see you for that matter, I ain't got nothing against you."

Q. Did he say what he was coming to see you about?

A. He was going to explain the thing, I suppose. He said he was going to see me every night from now on. But the next night was Friday night, he didn't come in. On Saturday he come down to the stock house where I was working. He just paced back and forth there. He looked like a wild man. I thought there was something wrong with him.

Finally, after four or five times he went by, I said: "Mr. Kerwin, what is in your mind tonight? You seem upset for some reason or the other." That's the way he done a week away.

So I got off the car. I said: "Wait a minute," I said, "there is something wrong here, because I heard news, you know, around the plant." And he said: "Listen here," he said, "I thought you said you had one face," he told me, "I found out you have got two."

"Well now," I said, "you can't talk that way to me." I said: "You can't scare me, you know that much." He said: "Yes, and you got two faces." "Well," I said, "listen, me, whoever told you that," I said, "he is a damn liar." "No," he said, "that ain't so, because," he said, "not one man told me, but three, and especially one of these men," he said, "got the Company at heart."

I said: "Whatever he got at heart, or not, he is nothing but a stool pigeon, want to get even with me for something, but, " I said, "I never was in wrong for any Company I did work for, and I am not in wrong here," so I said, "it is up to you to get that man and bring him to my face, and find that out, because no one is ever able to put a black mark on me." And I said: "I believe Mr. Kerwin ain't able, himself." He said: "I can do that all right."

I said: "I want to see you tomorrow." He said: "Tomorrow can't do it, wait until Monday." I said: "I am perfectly satisfied, as long you bring the man to my face

that said I said anything wrong about the Company, or anything else."

So, Sunday, I come to work at three o'clock. When I was in the yard, a cop run after me, and said: "Come on, you got to go on the office."

Q. Was he a mill cop?

A. He was a mill cop.

I went to the office. He said: "Kerwin wants to see you." I went up to his office. He said: "Well now, Ernest, I done a little investigating yesterday after I left you, and I found out how the talk start. He said he was blaming you for threatening the guy—he told me the guy was afraid to come into the house to work.

Q. He was threatening you?

A. No, I was threatening this fellow, and this fellow reported he was afraid to come in to work.

I said: "Mr. Kerwin, you know that man, and I know myself," I said, "you know that ain't straight." I said: "That man was never afraid to come down in the stock house and sleep all night, because I know that's what he done, sleep all night down here, but he is afraid to work." I said: "That's a good idea, good way to tell me a thing." I said: "I know well what go on here; you don't know what go on, but I know," I said. "I know that man sleep here all night, and afraid to come here to work, and I don't blame him," I said, "because a man that sleep all night, must be afraid to work, not because I am in here." He said: "I don't need an investigation to turn back," he said, "I found out that man got a cold feet, or something, you know, and," he said, "You said something on the outside. I got no authority to do nothing to anybody that said something outside," he said, "if it was in the mill," he said, "I could do something," but he said, "you know this is things blow over, and it will be O. K. Of course," he said, "it will take couple of years to get by when you are sore," he said, "I hope it will take quicker to get by." I said: "It don't take me that long to get over when I am

sore, because in two minutes I get O. K., but," I said, "don't try to put black mark on me, because," I said, "I travel over one-third of the world, in the Army, and every place, and nobody ever put black things on me, and," I said, "I can show you it in black and white with all of reference." He said: "I tell you, let us forget this and be good friends again."

So I left him, and that's all I ever seen him.

Q. Did he say anything about the C. I. O. at that meeting?

A. He said—I said: "I belong to the C. I. O., you can't do nothing about that,—because I am C. I. O." He used to tell me then, "It don't pay you to advertise, it don't pay you to advertise."

Q. It don't pay you to advertise that you are a member of the C. I. O., is that what he meant?

A. Yes, that's what he means.

Q. Let us see if we can fix the date when you received the letter.

A. I got the letter in my pocket, but I got the envelope at home. If I had it here I could tell you just the date.

Q. Let us see if we can get it approximately. It was a couple of weeks later you talked to Mr. Taylor?

A. Make it about three weeks.

Q. How long before the strike was it that you talked to Mr. Taylor?

A. When I talked to Mr. Taylor?

Q. Yes.

A. That was Thursday, two weeks before the strike.

Q. Thursday, two weeks before the strike?

A. It must be around 14th, it was Thursday.

Q. The day of the strike was the 26th of May?

A. And this is on Tuesday, wasn't it, the strike, the 26th?

Q. I think so.

A. So this was just about—not quite two weeks before, this was on the 14th.

Q. Then that would be May 12th about?

A. Well, something around there.

Q. That you talked to Mr. Taylor?

A. No—that's the 14th, May the 14th, is when I did talk to Mr. Taylor.

Q. May 14th is when you talked to Mr. Taylor?

A. If I am correct.

Q. That you talked to Mr. Taylor.

A. If I am correct, yes.

Q. Then you received the letter some time about the very early part of May?

A. Yes, early part of May.

Q. And Mr. Taylor told you that—did he say anything about the Company sending that letter to you?

A. He told me the letter that representative sent around, so I seem like I could understand, I told him, I said: "The Company Union?"

Q. Which representative was he referring to?

A. Well, I don't know, the Company representative, I suppose, but he didn't say that, and then I said: "Is the Company Union that you mean?" He said: "Yes." Well, I said: "I got one then, and I got it home."

MR. GROSSMAN: That is all.

Cross Examination

Q. You joined the CIO in September?

A. Yes, sir.

Q. 1936?

A. Yes, sir.

Q. And you stayed working on the job until the CIO called a strike in May, 1937?

A. Yes, sir.

Q. And it was pretty generally known that you belonged to the CIO, wasn't it?

A. I don't believe they did, at first.

Q. Well, you didn't keep it quiet, did you?

A. Well, I mind my own business.

Q. Well, did you talk as much out there, as you talked on the witness?

A. No, sir, I know when I have to talk and I know when I have to keep quiet.

Q. Anyway, you told your boss that you belonged to the CIO?

A. Yes, sir, when he come and asked me to join the company union, and I told him I was a CIO man.

Q. You have been active in the strike?

A. I was out on the picket line.

Q. How often have you been on the picket line?

A. I have been there for one month straight, right at the Trumbull picket gate.

Q. Do you belong to the lodge?

A. What do you mean, the lodge?

Q. Well, the union lodge.

A. Yes, sir.

Q. Are you an officer in it?

A. Not at all.

MR. DAY: That's all.

Redirect Examination

Q. (By Mr. Grossman) Mr. Garnett, in the talks you had with Mr. Taylor and in the three-quarters' hour talk you had with Mr. Kerwin, were you paid for that time?

A. Yes, sir.

Q. You were?

A. Every minute.

Q. Did anybody ever tell you that that letter was sent by the company?

MR. DAY: What is that question?

(The last question was read.)

MR. DAY: I object to that.

MR. SMITH: He asked that question three times and he said no.

TRIAL EXAMINER LINDSAY: Yes, I think I will sustain the objection.

MR. GROSSMAN: All right, thank you.

Recross Examination

Q. (By Mr. Day) You said you were paid by the company. You mean you were not docked any money, is that right?

A. I wasn't docked anything for staying and talking.

Q. You got just the same money as you would have gotten if you hadn't talked to the men?

A. Yes, sir.

MR. DAY: All right.

(Witness excused.)

GEORGE CARTER

a witness called by and on behalf of the National Labor Relations Board, having been first duly sworn, testified as follows:

Direct Examination

Q. (By Mr. Grossman) Will you state your full name, please, Mr. Carter?

A. George Carter.

Q. George Carter?

A. Yes, sir.

Q. Your address?

A. 814 Tod Avenue, N. W., Warren, Ohio.

Q. Are you an employee of the Republic Steel Corporation?

A. Yes, sir.

Q. Which plant is that?

A. At the—well, I work all over the plant, it is the Warren plant.

Q. The Warren plant?

A. Yes.

Q. What sort of work do you do?

A. Locomotive engineer.

Q. You are locomotive engineer?

A. Yes, sir.

Q. When did you start work for Republic Steel Corporation?

A. October 1st, 1935.

Q. And did you work continuously to the date of the strike?

A. Yes, sir.

Q. Are you a member of the CIO, Mr. Carter?

A. Yes, sir.

Q. When did you join the CIO?

A. May 8th.

Q. 1937?

A. 1937.

Q. I show you Board's Exhibits Nos. 79, 80, and 81, and ask you if you ever saw them before?

A. I did.

Q. When did you first see them, Mr. Carter?

MR. DAY: May we have the same objection on the same ground to this exhibit or any reference to it?

TRIAL EXAMINER LINDSAY: The objection is overruled. Let the record show an exception.

MR. DAY: Exception.

A. I can't tell you the date. It was sent to me previous to the strike.

Q. Do you know how long before the strike, approximately?

A. Oh, I would imagine two weeks.

Q. Two weeks?

A. It must have been—might have been longer.

Q. Do you recall the conversation with Mr. Miller in the mill on or about May 24th?

A. I do.

Q. Did Mr. Miller refer to that letter, to you?

A. He did.

MR. DAY: Who is Mr. Miller?

Q. Who is Mr. Miller?

A. He was my foreman.

Q. Mr. Miller was your foreman?

MR. DAY: We object to this conversation on the same grounds stated previously; the same grounds stated in objections to similar conversations with the last witness.

TRIAL EXAMINER LINDSAY: Objection overruled. Let the record show an exception.

MR. DAY: Exception.

Q. What did Mr. Miller say about that letter, Mr. Carter?

A. Why, I came into work, I and Mr. Kincade—

Q. I didn't hear you?

A. I say we came to work, I and Mr. Kincade, we came through his office together.

Q. Who is Mr. Kincade?

A. He was an engineer there in the plant. And Mr. Miller says to us, he says, "I am going to ask you two fellows a question," he says, "I haven't asked no one else," he said, "did you fellows receive a letter from the company?"

Q. Are you referring to the letter I show you?

A. Yes.

Q. Board's Exhibits 79, 80, and 81?

A. Yes.

MR. DAY: I object.

TRIAL EXAMINER LINDSAY: Objection overruled.

MR. DAY: Exception.

TRIAL EXAMINER LINDSAY: Let the record show an exception.

Q. Will you repeat that again, Mr. Carter?

A. He asked if we had received a letter from the company and I says, "What kind of a letter, Joe?" And he says, "A letter with a white ticket in it?" I says, "Yes, I received one," and Mr. Kincade said that he had.

He says, "Did you fill out the card and send it in?"

And Mr. Kincade said, "I haven't filled mine yet." I says, "I haven't filled mine and another verse to the song, I am not going to fill it."

He says, "Why?" I says, "Why," I says, "what object would there be of me filling in that card and paying $4 a year to join something that is no benefit of mine?"

"Why," he says, "forget that $4." "Why," I says, "that is not what the letter says, the letter says $4 a year."

"Why," he says, "that is not on the ticket, is it?" "No," I says. "Well," he says, "just forget that $4." And he says, "You had better sign the card."

Well, I says, I am not going to sign it. And "All right," he says, "it is up to you," and then he started on the CIO.

Q. What did he say about the CIO?

A. He said that that is a bunch of communists and bolsheviks. I says, "Well, o. k., Joe," and that was all that I said to him, at that time.

MR. DAY: I vote to strike out that conversation on the grounds stated in the objection to it.

TRIAL EXAMINER LINDSAY: The motion is denied. Let the record show an exception.

Q. (By Mr. Grossman) Did you have any subsequent talks with Mr. Miller after that one?

A. Yes, on the previous day, that was on the 25th, he called me out to work.

MR. DAY: The same objection, on the same ground.

MR. SMITH: The 25th of what month?

THE WITNESS: Of May.

TRIAL EXAMINER LINDSAY: Objection overruled and let the record show an exception.

A. He had some work that he wanted me to look after, that he was leaving the crane, some stuff to load and unload, and he wanted me to kind of look after it by taking me over to show me where this stuff was, and on our way from the shop over to the machine shop he says to me, "What do you think of the situation, George?"

"Well," I says, "it looks rather bad, Joe, it looks as though we were going to have a strike." He says, "Yes, it does," he said, "you know what is going to cause this strike?"

"Well," I says, "in my own mind," I says, "several things."

"Well," he says, "do you know what the principal thing is?" "Well," I says, "I know what I think."

He says, "I will tell you what it is," he says, "it is only because there is 50 per cent of you fellows that filled out those cards."

"Well," I says, "o. k., Joe," and that was all that was said.

Q. And at that time was he referring to Board's Exhibit 79, or this card right here?

A. He was referring to that card, that white ticket.

Q. Were there any complaints ever lodged against your work, to your knowledge, Mr. Carter?

A. Not to my knowledge, no, sir.

Q. On the day the strike was called, were you working in the mill?

A. I was not.

Q. You were out?

A. I was out.

Q. And you stayed out after that?

A. I did.

Q. Did you ever try to get your job back again?

A. I did. I talked to Mr. Miller.

Q. Do you remember when that was?

A. Well, I can't just give you the date.

Q. Well, can you approximately set the date?

A. Well, I would imagine along about the 24th of July, something like that, I would not say positive.

Q. About the 24th of July?

A. Yes.

Q. And you saw Mr. Miller, who was your foreman?

A. Yes, sir.

Q. Will you state for the record the substance of that conversation?

A. Well, I drove down to his house at Girard, and he was out in the yard. I stopped, he looked up, and I said, "Hello, Joe," and he said, "Hello, George," and he walked over to the car.

"Well," I says, "how is everything going, Joe?" He says, "Just fine," he says, "we are working every day," and he says, "we have got three dinkies and two standards working, now."

I says, "Have I got any job down there?" "Well," he says, "I will tell you what you do." He says, "You go down to the employment office, tell the employment man that you want to come back, and go home then and wait," he says, "and when there is a vacancy, I will call you."

So I took it that I was to start in as a new man.

Q. And be rehired?

A. I would have to be rehired.

Q. When he said they had two dinkies and three standards running, is that capacity schedule, do you know?

A. Well, they generally—they sometimes have three standard engines and they have four dinkies at times. Now, they don't run continuously, they have to have one generally in for repairs.

Q. Well, when they are running at normal capacity, there are three dinkies and two standards running?

A. Well, no, they generally have three standards on.

Q. You say one was in for repair, which one?

A. Well, one was in for repair, I suppose, maybe at that time they were in for repairs, and he said they had two standards and three dinkies.

Q. Did you understand, though, from that, that they were running at capacity?

A. Yes.

MR. GROSSMAN: That is all.

Cross Examination

Q. (By Mr. Smith) You started with the Republic in 1935?

A. Yes, sir.

Q. As locomotive engineer?

A. Yes, sir.

Q. Were you running one of the standards or one of the dinkies?

A. I run anything there. I went across over to the blast furnace and run engines, I run standards and I run dinkies.

Q. The dinkies, they use those for bringing the hot metal in from the Trumbull Cliffs, is that right?

A. No, no, that is a standard engine that brings the hot metal in from the cliffs.

Q. I see.

A. The dinkies are used on the mold shop and on—that is, for hauling ingots from the open hearth furnace over to the soaking pits, and the dinky is used for putting the scrap up on the floor, and then there is a dinky used for dumping the dirt cars and, oh, various things, whatever engine they want it to do.

Q. And you joined the CIO on May 8th?

A. Yes, sir.

Q. And where did you join it?

A. I joined it at Warren, Ohio, in the Labor Hall.

Q. Up in the—you went to the Hall and joined it there?

A. Yes, sir, I went to the Hall and joined it.

Q. When was this conversation, as near as you can state it, that you say you had with Mr. Miller?

A. Why, I can't—

Q. In regard to this card?

A. The card?

Q. Yes.

A. Oh, I would imagine that it was—now, I can't tell you definitely the date, but I would imagine that it was two or three days before the strike.

Q. Two or three days before the strike?

A. Yes.

Q. Now, what was that conversation that you had with him, will you detail it again for me, please?

A. Of which conversation do you mean?

Q. The one I am talking about there in regard to the letter that I just inquired of you about?

A. Why, he asked me if I had received a letter from the company with a white card in it. I told him that I had.

He wanted to know if I had filled that card out and sent it in, and I said that I had not. And he said, "Don't you think you ought to." And I says, "No, I do not."

I says, "I can't see where I would benefit by paying $4 a year to join something that is no benefit of mine." And he says, "Forget that $4."

I says, "That is not what the letter says, and the letter says 'pay $4'." "Well," he says, "does it say that on the card?" I says, "No, it does not." "Well," he says, "just forget the $4." And he says, "You had better sign the card."

Well, I didn't sign the card.

Q. Who have you talked this matter over with, before you came in here?

A. I didn't talk this matter over with anyone.

Q. No one at all?

A. No, sir, only my wife, when the letter was re-

ceived, I threw it down, I says, "I am not going to fill that card out."

Q. Well, have you talked it over with anybody?

A. I have not, no, sir.

Q. Before coming on the witness stand?

A. I have not.

Q. You have not discussed it with any of the attorneys for the Labor Board? With either one of these gentlemen here?

A. I laid my complaint, or gave my statement, yes.

Q. When was that?

A. I don't recall that. I don't recall just what date that was.

Q. Was it recently or sometime ago?

A. No, it has been sometime ago that I gave—

Q. I see—

A. This man the statement.

Q. Was it a written statement?

A. Why, he wrote it, yes.

Q. How long was it before the strike that you had worked there at the plant?

A. On the day before the strike.

Q. I see. You didn't come out on the day of the strike?

A. No, I didn't come out. I wasn't called out that day.

Q. After the strike was on, were you active in connection with the CIO?

A. Yes, I was. I was out on the picket line.

Q. How much of the time were you on the picket line?

A. Oh, I was on there possibly for a month.

Q. And what part of the picket line did you control?

A. I was down at the open hearth, the entrance to the open hearth off from Main Street—not Main Street, Pine Street.

Q. Pine Street?

A. Yes.

Q. During what hours of the day would you be on?

A. I would generally be there from 7 o'clock in the morning until about 3 or 3:30 in the afternoon.

Q. How many other pickets would there be there, at those times?

A. Well, sometimes quite a bunch of them, other times there weren't so many.

Q. And during the times that you were there, were you carrying any sort of a club or stick or anything of the kind, yourself?

A. I used to have a stick in my hand all the time. I was a great fellow to whittle, I did like to whittle.

Q. You had a stick to whittle with?

A. I was whittling, I would pick up anything to whittle.

Q. About what size stick would you use for your whittling?

A. Anything from the size of my finger up to two foot long, when I got ahold of it.

Q. Yes, and about how thick?

A. Oh, depended on the size of the stick.

Q. Yes?

A. If it was as thick as my finger, it was o. k. with me. If it was as big as my wrist, it was o. k.

Q. Well, did you whittle on any kind of sticks?

A. I whittle on all of them, yes, you bet I do.

Q. Two feet long and as big as your wrist?

A. Yes, sir, I did, I would whittle on any of them.

Q. And in your whittling that way, was that for the purpose of making a good hand-hold, or what was the purpose?

A. Absolutely not, it was just simply for the pastime, with me.

Q. Yes, yes, and so being a chronic whittler, why you had a stick whittling on it all the time you were on the picket line?

A. I stand around there and whittled.

Q. Yes.

A. Whittled and whistled, anything to pass the time away.

Q. Were you ever on, during the nighttime down there?

A. No, sir, I never was on during the night.

Q. Were you there, at the time that the cars were dumped, down there?

A. I was not, no.

Q. Of coal, limestone, and so on?

A. I was not, no, sir.

Q. Were you ever down there during the time that the trains were interfered with, in going in and out of the plant?

MR. GROSSMAN: I object to that, Mr. Examiner.

TRIAL EXAMINER LINDSAY: Is this during the daytime? Did this happen—

MR. SMITH: I would not say that it was during the night or day. It happened at different times.

MR. GROSSMAN: I object, Mr. Examiner.

TRIAL EXAMINER LINDSAY: Oh, he may answer, objection overruled.

A. I was down there when they were—trains came up there, yes.

Q. And were you down there at the time that a blockade was put on the Baltimore and Ohio track of cross ties—

MR. GROSSMAN: Object to that.

MR. SMITH: Just wait until I get my question out, please, if you will permit me to state my question.

(The question was read by the Reporter.)

Q. That were put on in a cross position and chained to the track, when a train was trying to move in there?

A. The Baltimore and Ohio did not come down there.

TRIAL EXAMINER LINDSAY: I will sustain objection to that. There is no proof in the record that there was any blockade, so far, unless you are putting it in now.

MR. SMITH: No.

TRIAL EXAMINER LINDSAY: All right, we will sustain the objection.

MR. SMITH: I was asking him whether or not—

TRIAL EXAMINER LINDSAY: I ask you to refrain from further questions about the Baltimore and Ohio Railroad. We are not involved with that railroad.

Q. (By Mr. Smith) I understood you to say that you were down there at the time that trains were attempting to move in or out?

A. I was, yes.

Q. Were you down at the railroad property at that time?

A. I was not.

Q. Did you have your stick with you, whittling, while you were down there?

A. I don't remember whether I had the stick in my hand whittling. I talked to Mr. Lolly when he came up there; Baltimore and Ohio does not come up there.

Q. Yes.

A. That is not the Baltimore and Ohio Railroad.

Q. That is the Pennsylvania, is it?

A. That is the Pennsylvania Railroad, yes, sir.

Q. Yes; that is, that comes up at the blast furnace, did you say?

A. No, sir, comes up from Niles.

Q. I know, but where were you picketing?

A. I was picketing at the main entrance of the—at the entrance of the open hearth furnace on Pine Street.

Q. Oh, yes; well, does the Pennsylvania come into the plant at that time?

A. Yes, sir.

Q. Were there quite a number of other pickets there at that time?

A. There were, yes, sir.

Q. About how many would you say?

A. Oh, I would say there was maybe a hundred or 150 pickets around there, at that time.

Q. Now, in this conversation that you speak of, that you say is on July 24th that you had with Mr. Miller over at his house—wasn't that the date that you fixed that you went over to Mr. Miller at his house?

A. No, no.

Q. July 24th?

A. No, that was—well, yes, I did say that was about July.

Q. Yes.

A. That I was to his house.

Q. Now, that conversation took place down in the yard or in the street?

A. I was sitting in my car and Mr. Miller stood on the sidewalk, in front of his house, yes, sir.

Q. And you just inquired of him as to how things were going down at the plant?

A. I asked him how my job was.

Q. Yes.

A. I didn't inquire of him how things were—well, I says, "How are things going?" And he says, "We are working every day," he says, "the engines are all manned."

Q. Yes.

A. He volunteered that himself.

Q. And he told you to go to the employment office and register in?

A. He told me to go to the employment office and tell Mr. McCauley, the employment man, that I was ready to come back.

Q. Yes.

A. And then go home and wait until he called me when there was a vacancy, he would call me.

Q. Was that the extent of the conversation?

A. That was the extent of the conversation, yes, sir.

Q. Did you ever go register?

A. I did not.

Q. And from the 25th of May to the time on July 24th, is the first time that you had any conversation in regard to your job there?

A. I called his office previous to that. I did not contact Mr. Miller. I contacted his assistant, Jimmy Sweegan.

Q. But the first time that you talked with Mr. Miller and inquired about your job?

A. It is.

Q. You knew that the plant had been running for sometime, was open for employment prior to that time about a month, didn't you?

A. I knew that it was running, the way that it was running, yes.

MR. SMITH: I think that is all.

Redirect Examination

Q. (By Mr. Grossman) You say you called Mr. Miller's office one time before you talked with him?

A. Yes, I called the office once.

Q. Do you remember when that was, Mr. Carter?

A. Well, no, I can't just give you the date.

Q. Well—

A. It was—

Q. Do you remember how many weeks, before your meeting with Mr. Miller?

A. I would imagine that it was a couple of weeks before I contacted Mr. Miller, possibly longer than that.

Q. And you talked with his assistant, you say?

A. His assistant, yes, sir.

Q. Did you ask for your job, then?

A. I asked him how things were and he says, "Just fine," he says, "we have got the engines all full," he says, "everything is working lovely."

Q. Did you ask for your job then, too?

A. No, I didn't ask, because that was the assistant.

Q. Why did you call his office?

A. Why, I called to talk to Mr. Miller, and Mr. Miller was not in. He told me he was gone to the upper mill.

Q. You say Mr. Miller's assistant told you they were well equipped?

A. They were well equipped, yes, sir.

MR. GROSSMAN: That is all.

(Witness excused.)

ERNEST WEBB

a witness called by and on behalf of the National Labor Relations Board, having been first duly sworn, testified as follows:

Direct Examination

Q. (By Mr. Grossman) Will you state your full name?

A. Ernest Webb.

Q. And your address?

A. 475 Ohio Avenue, N. W., Warren, Ohio.

Q. Are you an employee of the Republic Steel Corporation?

A. Yes, sir.

Q. What plant did you work at?

A. Warren plant.

Q. When did you start to work for Republic?

A. May 1, 1921.

Q. Did you work continuously then until the day of the strike?

A. I worked about 11 months at that time; quit and went back again on the 1st of May, 1922.

Q. You mean you resigned, at one period there, and you were out for a while?

A. Yes.

Q. How long were you out?

A. Oh, close to a month.

Q. About a month?

A. Somewhere near a month.

Q. And when you returned, were you asked to return?

A. Yes.

Q. You were asked by the company to return to work?

A. Yes, sir.

Q. What sort of work did you do, Mr. Webb?

A. I am an engine pump and air compressor repairman.

Q. On May 26th were you in the mill, the day the strike was called?

A. Yes, sir.

Q. What time did you leave the mill?

A. 3:30 in the afternoon.

Q. Was that the end of your turn?

A. That was the end of my turn.

Q. Are you a CIO member?

A. Yes, sir.

Q. When did you join?

A. About the 24th of May.

Q. Do you recall an association called the Employees Representative Plan, at the Warren Plant?

A. Yes, sir, I was a representative.

Q. You were a representative?

A. Yes, sir.

Q. Did you hold any other offices?

A. Well, being a representative, I was chairman of the No. 2 committee.

Q. Well, will you state for us exactly what offices you held and what years you held them?

A. Well, in 1935 I was elected chairman of the standing committee No. 2 and also the joint committee No. 2, and I was vice-chairman of the General Body.

Q. That is, the entire plant?

A. That is the entire.

Q. Were you a representative those years, too?

A. Oh, yes, you had to be a representative, to be an officer.

Q. What years were they?

A. 1933 to 1934; '34 to '35; '35 to '36.

Q. When was the first time you heard of the Employees Representation Plan, Mr. Webb?

A. Well, it was along the first or second week in June, 1933. I was notified to meet in Mr. Donovan's office, which is the hot mill office.

Q. Who is Mr. Donovan?

A. He is superintendent of the hot mill. That there was going to be a meeting there, but I was not told what kind of a meeting it was, but I just went in. Mr. Elliott was there, and explained to us about the representative plan.

Q. Who is Mr. Elliott?

A. At that time I think he was district manager of Warren.

Q. Mr. Elliott explained to you what the purpose of the plan was?

A. Yes, sir.

Q. All right, proceed.

A. There was several there, in fact, the place, the room was pretty well crowded, and he explained to us, he had a book, there, that—the one that we were to follow was very similar to it. It seemed to be imperative that we get this election started. We had to elect representatives from each department.

So out of this group he had picked men, I included, to see that the booths were erected for the election, ballot boxes put in their place, and things that were required in an election.

Q. When did you hold your nominations for these elections?

A. Well, the time being so close, we had to start that night at 11 o'clock. That would be the next day.

Q. You mean Mr. Elliott talked to you that morning, and that very night you held nominations for the elections?

A. As near as I can remember, yes.

Q. How soon after that were the elections held?

A. Well, your elections or nominations are held on Tuesday and the election is held on Friday.

Q. Was there notices posted about the plant that an election was going to be held?

A. Not at this time, no. We didn't have time.

Q. Where were the elections held?

A. Throughout the mill; the various departments, wherever we could get a place to put a booth.

Q. Were nominations held the same way?

A. Yes, the same place.

Q. When did you receive a copy of the by-laws for the first time, Mr. Webb?

A. Why, after we had met and organized, the books were brought in and distributed among us, and they were also distributed throughout the mill. There was some literature and a book of by-laws.

Q. Did you ever have an opportunity to vote on or prepare those by-laws, you or any other men in the mill?

MR. DAY: I object to the form of the question. I do not object to asking him what he did.

(The document above referred to was marked as Board's Exhibit No. 84 for identification.)

TRIAL EXAMINER LINDSAY: Read that question.

(The last question was read.)

TRIAL EXAMINER LINDSAY: I will sustain that objection. It is a double question.

Q. (By Mr. Greasman) The first time you got those, you received those by-laws, Mr. Webb, were they given to you in a printed form?

A. Yes, sir.

Q. Did you, yourself, have an opportunity to vote on those by-laws?

A. No, sir.

Q. I hand you Board's Exhibit No. 84 for identification and ask you if that is copy of the amended by-laws of the employees' representation plan of the Warren district?

A. That is right.

MR. GROSSMAN: I would like to offer this into evidence as Board's Exhibit No. 84.

MR. DAY: There is no objection to it. That is the same as the other, isn't it?

TRIAL EXAMINER LINDSAY: Board's Exhibit No. 84 is admitted into evidence.

(The document previously marked for identification as Board's Exhibit No. 84 was received into evidence.)

MR. DAY: This says "Adopted June, 1933; amended 1934."

MR. GROSSMAN: Will you retract my statement to Mr. Webb, please?

(Thereupon the record was read by the Reporter.)

MR. DAY: You do not claim this is the book he got in the beginning, 1933?

MR. GROSSMAN: I specifically stated "amended".

MR. DAY: He did not say anything about getting the copy of the amended by-laws. He said he got a copy back in 1933.

TRIAL EXAMINER LINDSAY: Well, it is so now stated, so there is no use arguing about it.

MR. DAY: All right.

Q. (By Mr. Grossman) Were the men required to pay any dues in this employees' representation plan, Mr. Webb?

A. No, sir.

Q. Were there any membership cards that had to be signed in order to become a member?

A. No, sir.

Q. How did one become a member?

A. Just by voting.

Q. It was an automatic membership?

A. You were automatically under it when you came into the plant, when you were hired.

MR. DAY: I move that be stricken out, on the ground it is a mere conclusion.

TRIAL EXAMINER LINDSAY: Yes. I think that should be stricken out.

Q. (By Mr. Grossman) Did the employee representatives represent everybody in the plant on grievances, Mr. Webb?

A. Each 200 men had one representative throughout the plant.

Q. And each representative for the 200 men would represent them?

A. That is right.

Q. For grievances and other matters?

A. Yes, sir.

Q. You stated a while ago that the booths were set up for elections in the various departments. Do you know who provided those booths?

A. The company.

Q. The company?

A. Yes, sir.

Q. And I assume that in order to have an election you would have to have tellers and telephones and clerks and ballots, didn't you?

A. Yes, sir.

Q. And who supplied those?

A. The company.

Q. Was there an election board to take care of the election?

A. Yes, sir.

Q. How was it composed?

A. Well, that was what we called No. 1 committee. They looked after seeing that the payroll roster was set out so that the men could be checked. Looked after the booths, saw the ballots were all printed, and seen that the company tellers were all properly placed.

Q. Were you a member of that election board?

A. The first one—No.

Q. Any one?

A. No, never was a member of the election board.

Q. To your knowledge, were these men paid for the time that they spent on the election board?

A. Yes, sir.

Q. Paid by the company?

A. Yes, sir.

Q. At meal time were they supplied with food?

A. Yes, sir.

Q. If a man were not at the mill on election time, what opportunity would he have to vote?

A. If he did not care to come in himself, if he wanted someone, we could send someone out.

Q. Who would send someone out?

A. The representative.

Q. And they would bring him in?

A. Yes.

Q. And who paid for the representative's expenses?

A. The company.

Q. Did they pay him for mileage on his automobile, if he used one?

A. Yes, sir.

Q. Did they pay him for his time?

A. Yes, sir.

Q. Now, your first election was in 1933?

A. Yes, sir.

Q. Who was the first chairman of the plan?

A. Ed Mulligan.

Q. Ed Mulligan? Was he later re-elected the next year 1935?

A. In fact, he held all the way through.

Q. And in 1936?

A. Right.

Q. Do you know what Mr. Mulligan's job was before the 1933 election?

A. He was an armature winder.

Q. An armature winder?

A. Yes, sir.

Q. Do you know whether he continued being an armature winder? after he was elected chairman of the plan?

A. Oh, for possibly a week or ten days, and business piled up on him so that he didn't do much armature winding, so he—

Q. What did he do after that?

A. Well, he had to get himself an office so that he could handle the business.

Q. Where was his office?

A. Well, he took an office over in the—they had a small office where he worked in the armature shop, first. That didn't work out very good, so then he got one in the hot mill office, and then later moved to the hospital building.

Q. What business would he transact, in the offices?

A. Well, each representative being more or less green, they would bring their grievances into him and he would help them by taking them to the different foremen, straightening out their different employees' grievances.

Q. It was business connected with the employees' representation plan, was it?

A. Yes.

Q. And you stated that his last office was in the hospital building? Did he have that office there in 1936, at the 1936 election?

A. Up until, I would say, around about the 1st of May. Then he moved down to the master—

Q. 1st of May, what year?

A. '37.

Q. He had an office in the hospital building as late as May, 1937?

A. Somewhere around that, I would not say the exact date.

Q. Do you recall a conversation with Mr. Mulligan prior to the 1934 election?

A. Yes, I had been asked by several of the representatives to run for chairman of the General Body, which I refused to do.

MR. DAY: I want to object to this conversation on the ground there is no evidence that Mr. Mulligan had any authority tc bind the respondent, or that the respondent had any knowledge of the conversation. If there are any conversations of a similar kind in the testimony of this witness, without repeating the objection, we would like a similar objection upon the same ground.

TRIAL EXAMINER LINDSAY: The objection is overruled. Let the record show an exception.

A. So I told him what was underfoot, and I really believed myself that he was the best man for the job. So he said, "Well,"—using some of the superintendents to probably bring a little pressure and a little politics, why we will make out all right."

Q. What do you mean by "we will make out all right"?

A. He would make the chairmanship.

Q. Do you mean he would be reelected?

A. Right.

Q. Was there any general meetings held at which all of the men at the plant could attend or did attend?

A. No, sir.

Q. Will you explain what the General Body meetings were?

A. General Body meetings were all of the representatives in the plant, would meet.

Q. Each representative who represented 200 men would meet at these meetings?

A. Yes, sir.

Q. Where were these meetings held?

A. At the Trumbull Cliffs Furnace Office.

Q. Was that on company property?

A. Yes, sir.

Q. How often would these meetings be held?

A. Once each month there would be a meeting, and there would be—there is a joint meeting connected with it —one month the standing committee would meet and the next month the joint committee would meet. That is, with the superintendents. They called it a joint meeting.

Q. I don't quite follow, now. You would have a General Body meeting, you say, once a month?

A. Yes, sir.

Q. And then on alternate months you would meet with the company officials?

A. One month just the representatives met.

Q. Yes.

A. The following month the representatives and the superintendents would meet.

Q. You stated a while ago that Mr. Mulligan was the chairman. Who was the secretary?

A. Floyd Richards was one of the secretaries.

Q. Was he the secretary of the General Body?

A. Yes, sir.

Q. Were minutes taken at these meetings?

A. Yes, sir.

Q. Who took these meetings?

A. Mr. McClain's clerk or the one—the clerk from the hospital building.

Q. What was his name?

A. Forest Downes.

Q. Why would Forest Downes take the minutes? If

Forest Downes took the minutes, what did the secretary do?

A. Well, he usually signed his name.

Q. Were you supplied with minutes of every meeting?

A. Yes, sir.

Q. Were they mimeographed?

A. Well, they were in printed form. I suppose that is what you call it.

Q. Printed? Who signed those, do you know?

A. The secretary, that is Mr. Downes. He sent them out to us through the mail.

Q. Do you know who paid the expenses for the printing of them?

A. Well, it must have been the company. It couldn't have been anybody else.

Q. How would you receive them? Through the mail?

A. Yes, sir.

Q. You stated a while ago that you were chairman of standing committee No. 2 and chairman of joint committee No. 2. Will you explain who comprised the standing committee No. 2? Were they employee representatives?

A. Yes, sir.

Q. Exclusively?

A. Yes, sir.

Q. And joint committee No. 2, how was that composed?

A. That was the Employees Representatives and the company's representatives, mostly superintendents.

Q. How many members of each?

A. Five.

Q. Five employee representatives and five company representatives?

A. That is right.

MR. GROSSMAN: Board's Exhibit is marked for identification No. 85.

(The document above referred to was marked as

Board's Exhibit No. 85 for identification.)

Q. How often were standing committee meetings held, Mr. Webb?

A. Once every other month, alternate months.

Q. Joint committee meetings?

A. The same way.

Q. Alternate months?

A. Yes, sir.

Q. That is, you would have a standing committee meeting one month and a joint committee meeting the next month?

A. That is right.

Q. Were minutes taken at these meetings?

A. Yes, sir.

Q. Who would take the minutes at these meetings?

A. The same secretary, Mr. Downes.

Q. Mr. Downes?

A. Yes, sir.

Q. Mr. McClain's secretary?

A. Yes, sir.

Q. Who is Mr. McClain?

A. He was the company's representative.

Q. Do you know his official position in the mill?

A. No, I couldn't say just exactly what.

Q. But he was the company's representative under the plan?

A. Yes, he was the head of it.

Q. And these minutes, were they printed up in the same fashion as the General Body meeting?

A. The same thing, yes.

Q. Expenses, were they also paid by the company for the printing?

A. That is right.

Q. (Indicating) I hand you Board's Exhibit 85 for identification, and ask you if that is a copy of the minutes of a regular meeting of the Standing Committee No.

2 held at the Trumbull Cliffs meeting room on Tuesday, September 10, 1935?

A. That is right.

Q. That is a copy?

A. Yes, sir.

MR. GROSSMAN: I offer this in evidence as Board's Exhibit No. 85 (handing paper to counsel).

MR. DAY: We object to it on the ground that it does not tend to support any charge in the complaint, and has no relation to or bearing upon any issue presented in this case.

TRIAL EXAMINER LINDSAY: May I see that, Mr. Grossman?

(Mr. Grossman hands paper to the Trial Examiner.)

TRIAL EXAMINER LINDSAY: The objection is overruled.

Let the record show an exception.

Board's Exhibit No. 85 is received in evidence.

(Exception by Respondent.)

(The document previously marked for identification as Board's Exhibit No. 85 was received in evidence.)

(A document was marked as Board's Exhibit No. 86 for identification.)

Q. (By Mr. Grossman) Mr. Webb, I direct your attention to Board's Exhibit No. 85, and direct your attention to the lower left-hand corner, and ask you whose initials are G. H. M. C. C.?

A. G. H. McClain.

Q. Is he the management's representative?

A. Yes, sir.

Q. What was the function of Standing Committee No. 2, Mr. Webb?

A. That dealt with the wages, working conditions of the men.

Q. Would grievances be presented to Standing Committee No. 2?

A. Whenever—the representative could not get satisfactory results from the foreman or superintendent, and the management's representative, he would then take it to No. 2 Committee.

Q. Will you explain the procedure when a grievance is presented, what happens to it after that?

A. The representatives had a form which he made out.

Q. (Indicating) I hand you Board's Exhibit No. 86 for identification and ask you if that is a form of grievance that you made out, and the form which is generally used?

A. That's the one.

MR. GROSSMAN: I offer this in evidence as Board's Exhibit No. 86.

MR. DAY: I object on the same ground as interposed to Board's Exhibit No. 85.

TRIAL EXAMINER LINDSAY: The objection is overruled.

Let the record show an exception.

Board's Exhibit No. 86 is received in evidence.

(Exception by Respondent.)

(The document previously marked for identification as Board's Exhibit No. 86 was received in evidence.)

Q. (By Mr. Grossman) Now then, Mr. Webb, you would take this form, you said, and fill it out?

A. Yes, sir, with the grievance.

Q. A form similar to Board's Exhibit No. 86?

A. Yes.

Q. Then will you take on from there, and tell us just what you would do?

A. That was taken to the foreman. The foreman

would pass on it, and if he couldn't give you any answer we would take it to the superintendent; if he couldn't give you any answer, then you would take it to the management representative, and if you cared—both of you could go to the superintendent to try to effect a settlement; if not, you would take it to No. 2 Standing Committee, that is, providing—

Q. Now, just a moment.

Who would take this grievance to the superintendent and the foreman and the management representative, the employee representative or the employee himself?

A. No, the representative.

Q. The representative would take the employee's case up for him?

A. That's right.

Q. All right.

A. If it was a wage or working condition, it would be taken to No. 2 Committee, presented to them. They would then pass on it, and then they would meet, if it was necessary, they would pass it on, then it would be turned back after No. 2 Committee had met, and passed by it, they would take it then back to the management, and if you couldn't reach a settlement there, then it was taken to Joint Committee No. 2.

Q. When you say management before you get to the Joint Committee, is that Mr. McClain you would take it to?

A. No, that would be Mr. Elliott, and Mr Flynn, or any of those.

Q. The District Manager or the Plant Manager?

A. Yes. Then it would be taken into the Joint Committee, when there would be five superintendents and five employee representatives, and they would battle it out, and then a vote would be taken, and if the vote was tied, it would be then taken to the Appeals Committee.

Q. How was that Committee composed? How many members were ther on that Committee?

A. Well, there were five representatives and five superintendents, or management representatives.

Q. And if there was a tie vote at the Appeals Committee, what would happen to the request then?

A. Well, they were most generally dropped, there wasn't anything you could do after that.

Q. You stated that you were Chairman of Joint Committee No. 2?

A. Yes.

Q. To your knowledge, how many requests for wage increases were presented, during that time, that you were Chairman?

A. We had 17 wage requests.

Q. Was that during the time you were Chairman, or during the time you were also a member and Chairman?

A. That was during my three years.

Q. From 1933 to 1936?

A. Yes, two of them—we won two of them and lost 15.

Q. You said you had 17 requests?

A. Yes.

Q. And won two and lost 15?

A. Yes.

Q. Do you recall what the votes were on those 15 that were lost?

A. Five, five.

Q. Always a five to five tie?

A. Yes.

Q. Did you ever take those to an Appeals Committee?

A. Yes, nearly every one of them would go to the Appeals Committee.

Q. And what would happen then?

A. Well, they couldn't get any farther than we could.

Q. Would you get a five to five tie again?

A. That's right.

Q. Some time in 1934, do you recall an unusual oc-

currence at the time of a taking of a vote in Joint Committee No. 2?

A. It was during the early part of 1934.

MR. DAY: I would like to object to this on the same grounds as already stated.

TRIAL EXAMINER LINDSAY: The objection is overruled.

Let the record show an exception.

(Exception by Respondent.)

A. During the early part of 1934 we were in joint session, No. 2 Committee. Mr. Joe Slater, who was a superintendent at the blast furnace, was called to the telephone. While he was gone we discussed the matter at hand. He came back just as we were ready to take a vote. One of the superintendents stated the case very briefly to him, and we voted, and the vote was five-five.

Q. You mean, one of the Company representatives at the joint committee meeting was out during the discussion of this matter?

A. He was a superintendent.

Q. And the ultimate vote was five to five?

A. Yes, sir.

Q. Did you ever mention that to the Company officials?

A. Yes, sir.

Q. When was that?

A. In 1934, after June, 1934, when we were reorganizing the new Committees we wanted to strike out the Joint Committee, said that it was no good.

Q. You wanted to abolish the Joint Committee?

A. Yes.

Q. Go ahead.

A. And Mr. Flynn asked us not to do that.

Q. Who was he?

A. But first he wanted to know on what grounds, and I told him just what grounds there was to it, and this very

case of Mr. Slater, and Mr. Flynn asked us to try it one more year, let him have a chance at it.

Q. Who was Mr. Flynn?

A. He was assistant to Mr. Elliott at that time.

Q. And Mr. Elliott was who?

A. He was the general manager.

Q. General manager?

A. Yes.

Q. And they asked you to keep the Joint Committee for another year?

A. Yes, sir.

Q. Did he say why he wanted you to keep the Joint Committee for another year?

A. No, not exactly, only to see if it couldn't be handled different.

Q. Now, at these meetings that you would attend for the Plan, will you just describe to us, Mr. Webb, how the time was computed that you spent at these meetings? Now, if you were on the three to eleven turn, and there was a meeting called at ten o'clock in the morning, and you left the mill, how would your salary be computed at the end of the two-week period?

A. Well—

Q. Would you punch a card, out, as you left the mill?

A. No, in case that you were working at the time the meeting was called, your time would continue on on your regular time card for eight hours, until the eight hours was up.

Q. And you did not have to punch your time out?

A. No.

Q. You just left the mill and went to the meeting?

A. That's right.

Q. And you would get credit for all the rest of your hours that were to run for your turn?

A. Yes, sir.

Q. In other words, if you left at ten you would get credit for seven hours after that?

A. Right.

Q. Or three hours, whatever it happened to be?

A. Right, and then if it would run over your turn, why, the Secretary took care of that.

Q. You say the Secretary; who was he?

A. Mr. Downs.

Q. Was he Secretary, or was he just the man that took the minutes?

A. Well, he was—he was not the Secretary to the general body; he was the man that done the work.

Q. And he would note the time you spent at these meetings?

A. Yes, sir.

Q. And then he would report back to the Company, would he, do you know?

A. Well, I don't know how he handled it, he probably—

Q. But you always got paid?

A. Oh, yes.

Q. For the time you spent at those meetings?

A. Correct.

(A paper was thereupon marked for identification as Board's Exhibit No. 87.)

Q. (Indicating) I hand you Board's Exhibit No. 87, Mr. Webb, and ask you if you have ever seen a copy of that form before?

A. Yes.

Q. You have?

A. I have.

Q. Will you explain what this form was used for?

A. Any time a man was off duty at the end of his turn, or possibly his day off, if he had any work to do in connection with the Plan, he made out one of those slips, had his superintendent sign it, and turned it into the office.

Q. And he would get paid for the time that he spent on this particular Employee Representation Plan business?

A. Yes, sir.

Q. After presenting this slip?

A. Yes, sir.

MR. GROSSMAN: I offer this as Board's Exhibit No. 87.

MR. DAY: No objection—I object on the same ground as the other documents, but none additional.

TRIAL EXAMINER LINDSAY: The objection is overruled.

Let the record show an exception.

Board's Exhibit No. 87 is received in evidence.

(Exception on behalf of the Respondent.)

(The document above referred to as Board's Exhibit No. 87 was received in evidence.)

Q. (By Mr. Grossman) Would you receive one pay check, Mr. Webb, or two?

A. If you had any overtime, you would receive two pay checks.

Q. Well now, if you worked in the mill 48 hours, eight hours of which were overtime, would you get two pay checks then?

A. No, if you just worked eight hours—you was only supposed to work 40 hours in the week.

Q. Well now, let us assume you worked 48 hours which was eight hours of overtime?

A. You would get eight hours on another check.

Q. On another check?

A. Correct.

Q. Do you know why that procedure was followed?

A. Well—

MR. DAY: I object to his conclusion as to why it was followed.

TRIAL EXAMINER LINDSAY: If he knows, he may answer.

MR. DAY: Exception.

MR. GROSSMAN: I withdraw the question.

Q. (By Mr. Grossman) Do you recall the annual

conferences that were held under the Employees Representation Plan, Mr. Webb?

A. Yes, sir.

Q. Will you explain what they were?

A. It was a plan whereby all the representatives and men connected with the Representative Plan were invited to a dinner to discuss different angles of business.

Q. How often were these dinners held?

A. Once a year.

Q. Where were they held?

A. Ours was held at the Hotel Warner in Warren.

Q. At the Warner Hotel in Warren?

A. Yes, sir.

Q. Did you attend all of these dinners?

A. Yes, sir.

Q. One every year since the inception of the Plan?

A. Yes, sir.

Q. Did you ever pay for attending one of those dinners?

A. No, sir.

Q. Who paid for that?

A. Well, it must have been the Company.

Q. Now, you say you served until 1936 as a representative in the Plan, an employee representative?

A. Yes, sir.

Q. Did you resign then?

A. No, I just withdrew from an election.

Q. You did not seek re-election?

A. That's right.

Q. Why did you not seek re-election, Mr. Webb?

MR. DAY: I object on the ground it is immaterial as to why he did not.

TRIAL EXAMINER LINDSAY: The objection is overruled.

Let the record show an exception.

(Exception by Respondent.)

A. There had been some trouble in my department

with one piece of machinery, and the superintendent, Mr. Donovan, of that department, went up in the air over it, because I was not there to take care of it.

So he called me in the office, and he didn't have to call me in the office, I was in the office, and he called me into his little room there, and explained that to me, and he explained it to me in such a way that my job, as a repair man, keeping equipment going, was more important to be—

MR. DAY: I object to "he explained it;" I think we are entitled to what he said.

TRIAL EXAMINER LINDSAY: Yes, state what he said, and what the conversation was.

THE WITNESS: He said: "You know that these stopping one of these engines is very expensive, and," he said, "if you can't get along without being a representative, then we will have to put someone in your place."

I didn't ask him whether I should resign or not, but he did say it would be better if I withdrew.

Q. (By Mr. Grossman) And after that you withdrew?

A. Yes, I left the office.

Q. Do you remember when that conversation occurred?

A. No, it was some time early in 1936, possibly in January.

Then I met Mr. Phillips, who was my superintendent, general master mechanic, and he said that Mr. Donovan had jumped all over him because I wasn't there to take care of the break-down, and he said: "Webb, if I have to," he says, "I will have to put another man on your job." I said: "Do you want me to resign as a representative?" He said: "I wouldn't say that, no."

Q. You were very active as a representative, were you, Mr. Webb?

A. Yes, sir.

Q. Mr. Webb, do you recall a visit to Mr. Mulligan's office on or about May 1, 1937?

A. Yes, I went into his office.

MR. DAY: I object to any conversation between him and Mulligan on the grounds already stated.

TRIAL EXAMINER LINDSAY: The objection is overruled, let the record show an exception.

(Exception by Respondent.)

A. I went into his office while he was in the act of mailing out votes, or ballots—Union cards, for this new Union that he was the head of.

Q. Did you see these letters or cards that were being mailed out?

A. Yes, sure.

Q. (Indicating) I hand you Board's Exhibits Nos. 79, 80 and 81, and ask you if those are copies of those cards, envelopes and letters?

A. That's right.

Q. They are copies of the letters that you saw mailed out from Mr. Mulligan's office?

A. Yes, sir.

Q. Where was this office?

A. In the hospital building.

Q. In the hospital building. Was Mr. Mulligan mailing them out himself, or did he have any assistance?

A. Well, at that time, Eddie Werner, the assistant to the employment bureau, was helping him.

Q. The assistant to the employment manager, you mean?

A. He is the man that does the employing there, Mr. McCullough.

TRIAL EXAMINER LINDSAY: I think we better take a short recess.

(Thereupon a short recess was had.)

TRIAL EXAMINER LINDSAY: The hearing is called to order.

Q. (By Mr. Grossman) Who is Mr. McCullough, Mr. Webb?

A. He is the employment man.

Q. Employment manager, or man?

A. Well, he looks after the hiring of the men.

Q. And Mr. Werner is his assistant?

A. Yes, sir.

Q. And Mr. Werner was in Mr. Mulligan's office, as you testified?

A. Yes, sir.

Q. Will you tell us just what you saw?

A. Well, he was folding those letters, and cards, putting them in envelopes, and sealing them.

Q. Did you have any conversation with Mr. Mulligan at that time?

A. I asked him about—

MR. DAY: I object to this, on the same ground, there is no evidence that Mr. Mulligan represented the Respondent, or knowledge on the part of the Respondent, or any authority shown in Mr. Mulligan to represent the Respondent.

TRIAL EXAMINER LINDSAY: The objection is overruled.

Let the record show an exception.

(Exception by Respondent.)

A. I asked him how many he had to mail. He said about 5600. I asked him who was going to pay for them. He said he thought he could get the money out of the Athletic Fund.

Q. Do you know how the Athletic Fund—what it is composed of, where was the money to come from?

A. Through sports, different things that were held, picnics, one thing and another.

Q. When you say sports, do you mean ball games, and things of that kind?

A. Baseball, basketball, different things of that kind, and bowling.

Q. These games, where were they held?

A. The ball games were held on the Company ball grounds.

Q. On the Company ball grounds?

A. Yes, sir.

Q. And the gate receipts were put into this Athletic Fund?

A. That's right.

Q. And the Company owned the ball ground property?

A. Yes, sir.

Q. Was that property ever rented out for other purposes, do you know?

A. The Committee that had charge of the Athletics used to rent it out to different parties that wanted to play ball, and different things.

Q. And the moneys from those rentals also went into the Fund?

A. Yes, sir.

Q. And that is the Fund that Mr. Mulligan was referring to?

A. Exactly.

Q. Will you proceed then?

A. So, why, I had left him there at that time, didn't see anything more of him for a week, about it.

Q. After that, do you recall a talk with Mr. McKinney, some time about May 12th?

A. Yes.

Q. Will you state what that was?

A. I was in Mr. McKinney's office.

Q. Who was Mr. McKinney?

A. He was the chief steam engineer, and—

MR. DAY: I object to this conversation on the same gronnds as already stated to similar conversations.

TRIAL EXAMINER LINDSAY: The objection is overruled.

Let the record show an exception.

(Exception by Respondent.)

A. (Answer resumed) And Mr. McKinney said: "Do you know that none of your men out there, or none of our men," he said, "has signed those cards?"

Q. Was he referring to this card, Board's Exhibit 79, Mr. Webb (showing paper to witness)?

A. That's the one.

Q. He was referring to that?

A. Yes. I said: "How do you know?" "Why," he said, "Mulligan told me." I said: "What business did he have telling you?" I said: "This is supposed to be a secret order." "Well," he said, "I don't know," he says, "it is putting me on the spot," he says, "you will have to go out and talk to them, talk to these men." He said: "You are a free lance, you get around all over the plant."

Q. Talk with the men of the plant, you mean?

A. Yes. I said: "Not me." I said: "You know that the Wagner Bill has been passed." "Well," he said, "who can we get?" "Well," I said, "how about getting Mulligan himself?" "Well," he said, "you might see him."

So at that time his office had been moved from the hospital building to a room in the master mechanic's office, where we were talking, and upstairs. So I went upstairs to see Mr. Mulligan, and he wasn't in at that time. So I saw these cards, in a rack on the desk.

Q. The cards that you are referring to now, again, are Board's Exhibit 79 (showing paper to witness)?

A. That's right.

Q. Is that a copy of those cards?

A. That's right.

While I was still waiting, Mr. Frank Neale, General Master Mechanic Assistant, came up and went through several of the cards, looked them over.

Q. He looked through these membership cards?

A. Right.

Q. In the files of Mr. Mulligan's office?

A. That's right. Mr. Mulligan came up and I talked

to him, but while I was talking to him then, Mr. Lowry, the general master mechanic's chief clerk, came into the office with a handful of those ballots that had been collected somewhere, or cards.

Q. They were all filled out, were they, these cards?

A. I couldn't say. He put them in this same box, placed them around.

Q. Did anything else happen in that room while you were there?

A. Nothing more than Mr. Mulligan wouldn't go and talk to these men, he said.

Q. He would not go and talk to them?

A. No, sir.

Q. Did you see Mr. McKinney again after that?

A. I met him in the boiler house, in the foreman's office of the boiler house.

Q. When was that do you remember?

A. Well, that was just two or three days before the strike; I am not sure whether it was Monday afternoon or not.

Q. Did you talk with Mr. McKinney then?

A. I did.

Q. Will you state for the record what the substance of that conversation was?

MR. DAY: The same objection, on the same ground.

TRIAL EXAMINER LINDSAY: The objection is overruled.

Let the record show an exception.

(Exception by Respondent.)

A. Why, he explained that he was in a very tough spot, owing to the fact that the men in our—under his supervision, had not returned these cards, and the other departments had, he claimed, but so far he had been unable to get any from our division, and was trying to figure out some way that it might be done.

Q. When you say the men under Mr. McKinney's supervision, was he a foreman or a superintendent?

A. Well, he would be a superintendent.

Q. A superintendent?

A. Yes, sir.

Q. Did you ever meet Mr. McKinney after that?

A. Yes, I was in a meeting with him on the day that the strike was called.

Q. What meeting was that? Who attended that?

A. Well, we were all ordered into the master mechanic's meeting room, which was in the basement of the building, and records were taken of what each man could do, and they were preparing for a strike, and they wanted to man the plant.

Well, after this meeting was over we went upstairs in Mr. McKinney's office, and he—each one was to make out a list of the names of the men that they thought would stay, stay in the plant. So I told him that—I said: "Any maintenance man," I said, "can get a pass."

MR. DAY: Same objection to this conversation.

TRIAL EXAMINER LINDSAY: Is this conversation with whom?

MR. GROSSMAN: With Mr. McKinney.

THE WITNESS: Yes.

TRIAL EXAMINER LINDSAY: You say Mr. McKinney is a superintendent?

MR. GROSSMAN: He is in the capacity of a superintendent, I think it has been testified.

TRIAL EXAMINER LINDSAY: The objection is overruled.

Let the record show an exception.

(Exception by Respondent.)

Q. (By Mr. Grossman) Go ahead.

A. He wrote down the list of names that he thought might stay. I said that it wasn't necessary, that they could get a pass to go through the picket line in case there was a strike, if they didn't intend to run the plant.

He said: "We intend to run this plant," and I said: "You can scratch them all off." "Why?" I said: "Because they all belong to the C. I. O."

Q. Well, was it the purpose of that meeting—did they tell you at that meeting that you were to tell these men that they could stay in the plant?

A. Yes, that—that they could go home and get their clothes and come back in and stay in the plant, that they would be fed and bedded.

Q. You mean that they could go home before their turn was up that day, and come back?

A. Well, as quick as they could, yes.

Q. That was the day of the strike?

A. That was the day of the strike.

Q. Mr. Webb, I hand you Board's Exhibits No. 86 and 87 and ask you whether they were furnished by the Company (handing papers to witness)?

A. Yes, sir.

MR. DAY: What are 86 and 87?

MR. GROSSMAN: Time sheets, and the grievance form.

MR. DAY: Oh, all right.

Q. (By Mr. Grossman) Now, reverting for a moment to the time when you were in Mr. Mulligan's office, and you saw those letters being sent out,—those letters, were they copies of Board's Exhibits Nos. 79, 80 and 81?

MR. DAY: Same objection.

A. Yes, sir.

TRIAL EXAMINER LINDSAY: The objection is overruled.

Let the record show an exception.

(Exception by the Respondent.)

Q. (By Mr. Grossman) The Athletic Fund, under whose supervision was that maintained and controlled?

A. Well, they had a committee that they picked out of the general body.

Q. That was an Employees Representation Plan Committee?

A. Yes, sir.

MR. GROSSMAN: That is all with this witness.

Cross Examination

Q. (By Mr. Day) When did you decide to join the C. I. O.?

A. About 30 years ago.

Q. About 30 years ago?

A. Yes, sir.

Q. Was the C. I. O. organized then?

A. No, sir, but that was my idea of a Union.

Q. Well, when did you decide to join this specific C. I. O.?

A. Well, I hadn't really decided not to join it, but I hadn't been presented with an application.

Q. Now, you joined on the 24th of May?

A. Yes, sir, about that time.

Q. Just a day or two before the strike?

A. That's right.

Q. When did you decide in your own mind that you were going to join?

A. Oh, I don't know.

MR. GROSSMAN: I object.

TRIAL EXAMINER LINDSAY: Yes, the objection is sustained.

MR. DAY: Well, I think it is fair to show that this man was around with the officers of the Company all the time, and I want to show whether he was under cover C. I. O. all the time.

TRIAL EXAMINER LINDSAY: He joined May 24th, he testified. It does not make any difference whether he intended to join 40 years ago.

MR. DAY: We think that if he was actually—

TRIAL EXAMINER LINDSAY: I sustain the—

MR. DAY: —C. I. O. 30 days before, it does make some difference.

TRIAL EXAMINER LINDSAY: I sustain the objection.

MR. DAY: Note an exception.

TRIAL EXAMINER LINDSAY: All right.

Q. (By Mr. Day) You joined the C. I. O. the 24th of May, the mill closed down—or the strike was called when?

A. I think about 11 o'clock on the 26th.

Q. And you belong to the lodge at Warren, C. I. O.?

A. Yes, sir.

Q. What is the name of it?

A. Unity 1375.

Q. Are you an officer of it?

A. I am now, yes.

Q. What office do you hold?

A. I am the Chairman.

Q. Chairman of it?

A. Yes.

Q. Is that the highest office there is in it?

A. As far as I know.

Q. Are you also a member of a Committee of Seven?

A. Yes, sir—not seven exactly.

Q. Well, how many are there left?

A. Six.

Q. What is that Committee?

A. They direct the strike activities, look after the business of it.

Q. How long have you been a member of that Committee?

A. Since—oh, it is about four weeks after the strike started.

Q. When was it you were elected President of the Lodge?

A. I would say about the 1st of July.

TRIAL EXAMINER LINDSAY: It is Chairman of the Lodge.

MR. DAY: Chairman of the Lodge.

Q. (By Mr. Day) Why was the Committee reduced from seven to six?

A. Why, Mr. Malloy was sent to Youngstown, the Youngstown District, and I took—

Q. Now, you say you were Chairman of the Lodge, and you were a member of the Committee of Seven?

A. Yes, sir.

Q. Was Gus Hall a member of the Committee of Seven at that time?

A. Not while I was—while I have been on.

Q. Was he before that?

A. I don't know.

Q. And you have been active on the picket line during the strike?

A. Yes, sir.

Q. And you have been engaged in directing the pickets and directing the strike generally, is that right?

A. I was a captain.

Q. As a captain?

A. Yes, sir.

Q. Do you know anything about dynamiting a railroad track between Niles and Warren?—

MR. GROSSMAN: I object.

Q. (By Mr. Day) —by the strikers?

TRIAL EXAMINER LINDSAY: The objection is sustained, unless you show that the railroad tracks belonged to the Republic Steel Company.

MR. DAY: Well, they did not belong to the Republic Steel Company, but they were transporting—

TRIAL EXAMINER LINDSAY: Well, I— the objection is sustained.

MR. DAY: — freight and merchandise in and out of the Republic Steel Company.

TRIAL EXAMINER LINDSAY: The objection is sustained.

MR. DAY: Note an exception.

TRIAL EXAMINER LINDSAY: Exception noted.

Q. (By Mr. Day) Do you know anything about rails being pulled up?

A. No, sir, that was not in my area.

Q. What?

A. I wasn't in that—on that side of the fight at all.

Q. You were not in that side?

A. No.

Q. Did you know about railroad tracks being plugged with ties attached to the rails?

A. I have heard about it, but I didn't see it.

Q. You had heard about it?

A. Yes.

Q. Do you know about cars of coal and limestone being dumped by the strikers?

MR. GROSSMAN: I object, Mr. Examiner.

TRIAL EXAMINER LINDSAY: The objection is sustained.

There is nothing in the evidence, so far, to show that any of those things have happened.

MR. DAY: No, there could not be any evidence so far, it is cross-examination of the witness. I asked him if he knows anything about it. How could we put our case in before they put their case in?

TRIAL EXAMINER LINDSAY: Well, you have your own witnesses to bring in.

MR. DAY: Well, I think we have a right to cross-examine this man. I asked him if he knows anything about it.

TRIAL EXAMINER LINDSAY: Well—

MR. DAY: He was captain of pickets.

TRIAL EXAMINER LINDSAY: Let us not—

MR. DAY: Chairman of Lodge, and on a Committee of Seven that ran the strike.

TRIAL EXAMINER LINDSAY: Mr. Day, I have given you a lot of leeway on cross-examination.

Now, the railroads do not belong to the Republic Steel Company, and you are not representing the railroads in this action. Now—

MR. DAY: Well now, as an answer to that—that's true—

TRIAL EXAMINER LINDSAY: Now—

MR. DAY: —but the railroads were transporting—

TRIAL EXAMINER LINDSAY: All right.

MR. DAY: —merchandise in and out of the plants of the Republic Steel Corporation.

TRIAL EXAMINER LINDSAY: The objection is sustained to that line of questioning.

Now, if you have your case built up on those things, you may bring it in to show it, when it is proper, at that time.

MR. DAY: Exception.

Q. (By Mr. Day) Do you know anything about delivery of mails to men inside the plant, of the Republic Steel Corporation, being held up by the strikers?

MR. GROSSMAN: I must object again, Mr. Examiner.

TRIAL EXAMINER LINDSAY: No, I will overrule that objection.

Let the record show an exception.

(Exception on behalf of the Board.)

Q. (By Mr. Day) Do you know anything about that?

A. No, sir.

Q. Did you ever hear that that was done?

A. I saw it in a paper, yes.

Q. You saw it in the papers?

A. Yes, sir.

Q. Now, did you take any steps to investigate to find out who was doing it, among the strikers?

A. No, sir.

Q. None at all?

A. No.

MR. GROSSMAN: I object, Mr. Examiner; there is no evidence to show there was any duty on his part to investigate any of those things.

MR. DAY: Well, he was Chairman of the Lodge.

TRIAL EXAMINER LINDSAY: Well—

MR. DAY: He was on a Committee of Seven.

TRIAL EXAMINER LINDSAY: I will overrule the objection.

Let the record show an exception.

(Exception on behalf of the Board.)

MR. DAY: Read him the question.

(Last question and answer read.)

Q. (By Mr. Day) Did you know that the strikers were shooting at airplanes that were bringing food into the airport at Warren and Niles?

A. No, sir.

Q. Did you ever hear that they were?

A. I did.

Q. Did you take any steps to investigate to find out whether it was true or not?

A. No, sir.

Q. Why did you not?

A. Because I was not Chairman of 1375 at that time; I was only an ordinary member.

Q. You were only an ordinary member?

A. Yes, sir.

Q. Well, after you became Chairman, did you take any steps to find out?

A. There wasn't anything happened.

Q. Well, after you became Chairman, did you take any steps to find out whether members of your Lodge had done those things before you became Chairman?

A. No, sir.

Q. Well, who was Chairman before you were elected?

A. F. A. Hosterman.

Q. F. A. who?

A. Hosterman.

Q. What happened to him?

A. He resigned.

Q. When did he resign?

A. I don't know,—about the 1st of July, some time.

Q. Do you know anything about the strikers, the members of your Lodge, visiting the homes of employees working down at the plant at Warren, and threatening to blow up the homes if the men did not stop working?

A. No, sir.

Q. Did you ever hear that was done?

A. In a conversation with—we call him Peg Amberson—I don't know what his first name—

Q. Peg who?

A. Amberson.

Q. Peg Amberson?

A. Yes.

Q. Who is he?

A. He is an employee of the Republic Steel.

Q. Did he tell you something along that line?

A. He said that he was going to.

Q. He said he was going to what?

A. He was going to call up—he wanted to get certain men out of the mill, he was out then himself, and that he would—he knew how to get them out, that he would go and tell their wives that if they didn't come out of the mill, didn't get them out of the mill, why something might happen, he didn't say what.

Q. Well, were you Chairman of the Lodge when Judge Griffith granted the injunction against the strikers?

A. No, sir.

Q. Well, you were President of the Lodge while that injunction was still in force, were you not?

A. Well, it is still in force now.

Q. Right now?

A. Yes, sir.

Q. Yes. Did you know anything about what happened to a man named Musgrove who was an employee of Republic Steel Corporation?

A. No, sir.

Q. Did you ever hear what happened to him?

A. (Witness shakes head negatively.)

Q. How?

A. Not that I know of.

Q. Did you ever hear of the legs of his pants being cut off, and his shirt being cut off, and grease being smeared on his face?

A. No, sir.

Q. Never heard about that?

A. Didn't hear about it at all.

Q. Do you know that pickets out on the picket line were carrying ball bats?

A. Yes, sir.

Q. You knew that?

A. That's right.

Q. And you knew that was—you approved that, did you?

A. I didn't see any objection to it, no.

Q. Well, can you give the Examiner some idea how many ball bats these pickets were carrying?

A. No, I couldn't.

Q. You could not see any objection to that?

A. They were not ball bats altogether, maybe there was one or two or three ball bats, that is, small ones. The rest were more or less sticks, or something of that sort.

Q. But you could not see any objection to the ball bats?

A. No.

Q. Was that before Judge Griffith made his order or afterwards?

A. Before.

Q. Did you know that some of the pickets were also carrying billiard cues, or parts of billiard cues?

A. I didn't see any of those, no.

Q. They were carrying sticks?

A. Yes.

Q. And carrying clubs?

A. I don't know as I saw but one that I would call a club, and that was more like a pole.

Q. More like a what?

A. More like a pole. A fellow was five foot tall, and he had a pole about seven foot long.

Q. What was he doing, the five foot man with the seven foot pole?

A. Walking on the road.

Q. Walking on the road?

A. Yes, he was picket on the road.

Q. Did you see him swing it at anybody?

A. No, he was using it as a cane.

Q. As a cane?

A. Well, that is the only way he could handle it.

Q. Did you see any man with pipes?

A. I had one throwed at me one night, off the hot metal bridge, if that is what you mean.

Q. Did you see any pickets with pipe?

A. No, sir.

Q. Did you see any of the pickets with anything metal in their hands?

A. No, sir.

Q. How many pickets did you see at one time, out on the picket line?

A. Oh, I imagine scattered out, there was probably about 100 or 125.

Q. And you know that the pickets kept a couple of thousand men in one of the rolling plants for weeks, don't you?

A. We didn't keep them in.

Q. Oh, you didn't keep them in there?

A. No, sir.

Q. If they had come out, you would have let them go right by, wouldn't you?

A. We even took them home.

Q. Oh, you would have taken them all home?

A. We did.

Q. Oh, yes?

A. It is a fact.

Q. Do you mean to say under oath that during that strike at Warren, when your pickets were out in front of that plant, that if the men had tried to get out—

A. Yes, sir.

Q. —and go home, you would have just escorted them home?

A. We did.

Q. How many—

A. We never—I took three home myself, one morning. They walked out of the plant.

Q. And do you mean to say that your general policy was that if the men had tried to walk out of the plant, that the pickets would not have tried to stop them?

A. That is right.

Q. They would not have tried to stop them?

A. No, sir, not where I was on.

Q. Well, you know the injunction was against doing that very thing, don't you?

A. Yes, sure.

Q. Yes.

TRIAL EXAMINER LINDSAY: Off the record.

MR. DAY: Exception.

Q. (By Mr. Day) Now, coming to this Representative Plan, you were an officer, vice-chairman of it, weren't you?

A. Yes, one term.

Q. For one term?

A. Yes, sir.

Q. Starting when?

A. June, 1935.

Q. And were you a representative before that?

A. Yes, sir.

Q. How long were you a member of the General Council?

A. Well—

Q. —or General Body?

A. Always. As long as you are a representative you are a member of the staff.

Q. But you were a member from the time it started?

A. Yes, sir.

Q. Until the strike?

A. No, June, 1936.

Q. June, 1936?

A. Yes, sir.

Q. Then in June, 1936, you had a talk with some man. what was his name, about your not running again?

A. Oh, not with anybody about not running again.

Q. Well, about that if your being on the General Body interfered with your work—

A. That was Mr. Donovan, the first one.

Q. He stated to you, as I understood you, and if I am not right, you correct me—that he thought that perhaps your giving your time to the plan interfered with your work, is that right?

A. Yes, sir, that is right.

Q. And suggested that if that were true somebody else should take your place?

A. Yes, sir.

Q. Now, that was Donovan told you that?

A. Yes, sir.

Q. And that was sometime in '36?

A. Yes, sir, the early part of '36.

Q. Now, at that time had you had some trouble with some machinery or something of that kind?

A. Well, it was just a few days before that, they had

had some trouble with one of the engines and I was not there.

Q. And you were not there?

A. That is right.

Q. Well, now, was that one of the engines that was under your supervision?

A. Yes, sir.

Q. What was your job out there, by the way?

A. I looked after the engines, the repair work of all the engines and pumps and air compressor, anything in that line.

Q. Now, then, you don't mean locomotive engines?

A. No, sir.

Q. You mean factory engines?

A. That is right.

Q. Stationary engines?

A. Stationary engines.

Q. And that you didn't run? You didn't run the next time?

A. No, sir.

Q. Now, the first time—

TRIAL EXAMINER LINDSAY: Now, just a moment, you mean run for election?

MR. DAY: Run for election, yes.

TRIAL EXAMINER LINDSAY: Get that in the record, so we will remember what it is about.

MR. DAY: Well, I was not suggesting that he was just running away from anything. Running, in the sense of being a candidate, like a man runs for Congress, for instance.

Q. (By Mr. Day) Now, starting out at the beginning, there was an election held in your department, wasn't there?

A. Yes, sir.

Q. And there were nominations, first?

A. Yes, sir.

Q. And then there were elections?

A. Yes, sir.

Q. And how many men were nominated, to begin with?

A. There was—oh, you mean on the first ballot?

Q. Yes.

A. There was two nominated for each representative, to be elected.

Q. That is, there were twice as many nominations as there were officers elected?

A. Yes, that is right.

Q. And then after the nominees were chosen, then they had an election and picked out the officers, is that right?

A. Well, after the nominations—I don't understand you.

Q. After they had nominations, say ten were nominated?

A. Yes, sir.

Q. Then five were elected?

A. Yes.

Q. Out of the ten that were nominated?

A. Yes, sir.

Q. And you were one of those at the beginning?

A. Yes, sir.

Q. Now, when did you become vice-chairman of the whole general body of your plant there?

A. In the five days after the election, we was to hold a General Body meeting of all the representatives.

Q. And Mulligan was—

A. He was the chairman.

Q. He was the chairman, and you were next to Mulligan?

A. Yes, sir.

Q. And the men that wanted to vote, voted, is that right?

A. You mean in the General Body?

Q. In the General Election, first?

A. Oh, yes, the men that wanted to vote, voted.

Q. Then the General Body ran the affairs afterwards?

A. That is right.

Q. And you had an election of that kind each year?

A. Yes, sir.

Q. And there was a nomination each year?

A. Yes, sir.

Q. And the men voted in election booths, didn't they?

A. Yes, sir.

Q. Now, then, you attended meetings of the General Body, is that right?

A. Yes, sir.

Q. And they met once every two months?

A. They were—

Q. Or once a month?

A. The representatives alone went every two months.

Q. And the representatives met with the company representatives how often?

A. Every two months.

Q. On alternate months?

A. Yes, sir.

Q. And generally there was a discussion of matters pertaining to the mill and so forth?

A. Yes, sir.

Q. At those meetings?

A. That is right.

Q. Now, how many members were there on the General Body, that met with the company representatives?

A. Oh, 33 or 34 or 35, if I recall.

Q. How many company representatives?

A. About the same number.

Q. About the same number?

A. Yes, sir.

Q. You were also a chairman of the committee, standing committee No. 2?

A. Yes, sir.

Q. And standing committee No. 2 was what is ordinarily known as the grievance committee?

A. No, that was wages.

Q. Wages?

A. Working conditions.

Q. Yes, and then the standing committee was composed only of—

A. Employees.

Q. Employees?

A. That is right.

Q. And the joint committee was composed of employees and company men?

A. Yes, sir.

Q. Five of each?

A. Yes, sir.

Q. Now, you stated that the minutes of the General Body minutes, or maybe I misunderstood you, perhaps it was the minutes of the No. 2 committee, were taken down by Forest Downes?

A. That is right.

Q. Now, which minutes were taken by him?

A. All of them. All minutes were taken by Mr. Downes.

Q. Isn't it a fact you employees who were on that committee asked Mr. Downes to take down the minutes?

A. That is right.

Q. You asked him?

A. That is right.

Q. And do you know whether or not he was sworn to secrecy?

A. No.

Q. But, in any event, you men employees asked Forest Downes to take down the minutes?

A. That is right.

Q. And then he took them down?

A. Yes, sir.

Q. And then after he took them down they were mimeographed by the company?

A. Yes.

Q. And mimeographed copies were sent out to the members of the General Body, is that right?

A. That is right.

Q. To all members of the No. 2 committee?

A. Well, we were all members of the General Body.

Q. Did Forest Downes take the minutes of the General Body and the No. 2 Committee, both?

A. Yes, sir.

Q. Now, you say there were about 17 wage increase matters presented to the Joint Committee No. 2?

A. That is right.

Q. And about fifteen were approved and two—two were approved and fifteen lost out?

A. That is right.

Q. Isn't it a fact, however, that there were wages increased and adjusted from time to time?

A. Yes, sir.

Q. Before the matter ever got to the Joint Committee?

A. That is right.

Q. And some increases were granted, sometimes?

A. Well, they were settled out of the committee.

Q. That is, some increases were granted or adjustments were made?

A. Yes, sir.

Q. Now, will you just tell the Examiner how that happened?

A. Well, when the superintendent could see where he could go ahead and do this, he went ahead to save any—he didn't want it to go into the committee if he could help it.

Q. Now, let's start out, suppose you men wanted an increase in your department, let's say. Now, that was put up to the employer's representative, first?

A. No, the superintendent.

Q. And who put that up to the superintendent?

A. Well, the representative of the group.

Q. Of that group?

A. Yes.

Q. Put it up to the superintendent? And the superintendent says, "All right, I will grant it," or, "We will adjust it." That was the end of it many times, wasn't it?

A. That would be the end of it, yes.

Q. And that happened, many times?

A. I think it did.

Q. Yes, sir. Now, if the superintendent said, "No, I can't do that," then where did it go next?

A. Then it would go to the management's representative, he would usually take you and go back and see if he couldn't make some adjustment with the superintendent.

Q. Sometimes were there adjustments made, after the management representative went down with the employees' representative to the superintendent?

A. I believe there was.

Q. Sometimes there were?

A. Yes.

Q. Now, if it was not o. k'd. by the superintendent or management representative, then it went to this committee, didn't it?

A. That is right.

Q. And then there were five men employees, and five of the company men?

A. Yes, sir.

Q. And they voted?

A. That would be in Joint.

Q. And many times it was five to five?

A. That is right.

Q. The men voted for the increase and the company men voted against it?

A. Yes.

Q. So that, Mr. Webb, this machinery of having this committee, was nothing more nor less, was it, than a

method by which men wanting an increase in wages or adjustment of wages could present their application to the company and have the company act on it? That is what it was, wasn't it?

A. Yes, that is the way it worked.

Q. And this machinery was worked out for that purpose, wasn't it?

A. That is right.

Q. During the strike, when the pickets were out there, if any man had tried to get through the picket line and get into the plant, what would have happened, unless he had a pass or something of that kind?

A. Well, I never saw one try to go through the picket line.

Q. You never saw one try it?

A. No, sir.

Q. Do you know anything about a man named Burns coming out of the mill and being beaten up by the strikers?

A. No, sir.

Q. Did you hear anything about that?

A. No, I didn't.

Q. Never heard of that?

A. No.

Q. These annual dinners that you talked about were simply a getting together once a year of the employees who belonged to the General Body, with the officers of the company, isn't that right?

A. That is right.

Q. You met once a year, you had something to eat and so forth, and as you know, the company paid for it?

A. Yes, sir.

Q. Well, now, you didn't see anything particularly wrong with that yourself, did you?

A. No, I didn't see anything wrong with it.

Q. You said something about Eddie Werner having something to do with new union cards?

A. Yes, sir.

Q. Do you know who paid Eddie Werner for that work?

A. No.

Q. You don't know?

A. No, sir.

Q. And this athletic fund that was to be used to start up the new union or to do some printing or something, was money that was collected from baseball games and basketball games and renting the ball park and things like that?

A. That is right.

Q. Of the Employees Plan?

A. Yes, sir.

Q. This Peg Amberson that you told us something about, was he on the picket line for a time?

A. No, not that I know of.

Q. And as I understand you, you testified that he told you that he was going to call—or he was going to the families of some men in the mill? You tell me again about that.

A. He said that there was a couple of men in the mill that wanted out.

Q. Yes.

A. And he knew that he could call their wives and tell them to get them out of there or something might happen. He thought that would work.

Q. Well, do you know, Mr. Webb, whether or not—have you any knowledge on the subject whether or not Peg Amberson did ever call any of the families and tell them that?

A. No, sir.

Q. You don't know? A. No, sir.

Q. You just know what Peg said?

A. That is all.

MR. DAY: I think that is all.

(Discussion held off the record.)

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